THE LAW SOCIETY OF UPPER CANADA

LAW SOCIETY OF UPPER CANADA
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MINUTES
OF THE
MEETING OF CONVOCATION

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LAW SOCIETY OF UPPER CANADA

1971 - 1973

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SEP 29 1979

MINUTES OF CONVOCATION

Friday, 15th January 1971
10 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.) and Messrs. Beament, Bowlby, Callon, Cass, Dubin, Ford, Gray, Henderson, Howland, Levinter, MacKinnon, Pattillo, Pepper, Raney, Robins, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of November 20, 1970 and of the Special Convocation of December 14, 1970 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 7th day of January, 1971 at 2:30 p.m., the following members being present: Mr. Robins, Chairman, Mr. Gray, Vice-Chairman, and Messrs. Cass, Estey, Finlayson, MacKinnon, Sheard, Slemin, Thom and R. F. Wilson.

DIRECTOR'S REPORT

The Director makes the following report:

Closed Circuit Television: The specifications for this system were re-examined and finally accepted after an investigation involving several discussions with Mr. Estey and one with the Chairman of the Finance Committee. The installation was ordered on the 3rd day of December, 1970 from Applied Electronics Limited for a contract price of $15,427.00. The work will be supervised by the Instructional Media Centre of the University of Toronto and is to be completed within a contract time of ninety days after receipt of all pieces of equipment. I am advised by the engineer for the Centre that work is expected to begin during the middle of January and should take two or three weeks. Payment is to be made in instalments of two-thirds at the time of installation and the balance upon testing the acceptance by the Instructional Media Centre. *Noted*

Training of Instructors: Encouraged by the success of the venture in the fall, a second evening for the training of in-

structors will be held on the 12th of January. There will be a dinner in Convocation Hall at the expense of the Law Society followed by a demonstration and panel. The demonstration will be put on by the Instructors of the Real Estate Section under the leadership of Mr. Christopher C. Johnston to illustrate typical group situations which the panel will then discuss. The panelists will be Mrs. Janet Boland (Instructor), Kenneth H. C. Laundy (lecturer in Bookkeeping), Robert B. MacLellan (recent graduate and judge's law clerk). The evening will end with a general discussion of teaching methods.
Noted

Entertainment of Students: The Law Society is entertaining students at a series of five afternoon receptions. One of them has taken place and the remaining four are scheduled for the 14th and 26th of January, and the 9th and 22nd of February. *Noted*

Continuing Education Programme on Highlights of Federal and Ontario Legislation (September, 1970): An edited transcript of this programme has been produced and will be published in booklet form shortly. The booklets will be distributed free of charge to those who registered for the programme and will be available to the profession at large for a purchase price of $10.00. *Noted*

Continuing Education Programme on Criminal Law . . . Representation After Conviction (October, 1970): The transcript of all four panels conducted in this programme has been edited in draft form and copies are now being prepared to submit to all participants for approval. Upon approval being obtained the transcript will be bound and made available to the profession.

Audio cassettes of this programme are also being prepared and the dubbing of the first cassette should be completed by next week.

Registrations for Continuing Education Programmes on The Business Corporations Act: Registrations for this programme closed at the following numbers:

November 14th	(Toronto)	320	(filled)
November 21st	(Toronto)	322	(filled)
November 27th	(Sudbury)	40	
December 4th	(London)	130	
December 5th	(Toronto)	400	(filled)
December 14th	(Ottawa)	120	
Total		1332	

Income from Continuing Education Programmes: The gross income from registration fees charged for the programmes in the fall and from advance registrations (noted below) for the spring programmes is about $48,000. Expenses are expected to run at less than twenty-five percent of this amount. Statements of income and expense are being prepared and should be available for the next meeting.

Sale of Bar Admission Course Material: Subject to resolving the question of federal and provincial sales tax and making arrangements with the author, we are prepared to offer to the profession our materials distributed in the course on Civil Procedure II and the course on Creditor's Rights and Bankruptcy. The price will be worked out at $.05 for each printed side of a page ($.10 for a page printed on both sides) adjusted either way on the basis of the merit of the work. Before proceeding further, an opinion on the question of sales tax should be obtained and I would be pleased to receive any suggestions or a referral from the Committee.

Your Committee recommends that the Chairman be empowered to retain Counsel to give an opinion.

Continuing Education—General: A brochure announcing the winter programmes in detail has been printed and distributed to the profession. Included in the brochure are particulars of six spring programmes, which include two three-day programmes; the first on Estate Planning and Administration, and the second in Civil Litigation — a new venture for the Continuing Education Department.

A further five programmes are included in a general announcement of fall programmes which, of course, are still in the planning stage.

In addition to the brochure notices will appear in the Ontario Reports as required from time to time to keep the profession informed and encourage registration. Registrations have just opened for the 1971 winter programmes and the number received up to the 6th of January are:

Legal Aid Workshop (January 16th)	14
Reading and Understanding Financial Statements (January 30th & February 6th)	59
Developing and Using Law Libraries (February 27th)	9
Annual March Special Lectures (March 5th, 6th, 12th & 13th)	66

In order to expand our knowledge of the different ways of structuring continuing education programmes, arrangements have been made to send Mrs. Knox to the headquarters of the Practising Law Institute in New York at the end of January. She will discuss programmes with the staff there and will take part in a three-day seminar. During her stay she will also visit Condyne Incorporated, the producers of audio cassettes for the Practising Law Institute. Arrangements have also been made to send Mr. Kenneth Saltzman, the Planning Assistant in our three-day programme on Estate Planning and Administration, to the Institute's workshop on this subject in New York from the 8th to the 11th of February.

Placement Service: Over the whole of the teaching term last year and extending into March, 1970, the Bar Association Course placement service received applications from 148 students for 55 positions available in Toronto and 56 out of the city.

This year the position is vastly different. To date 150 students have applied for 9 positions in Toronto and 28 out of town.

I would be pleased to discuss any suggestions members of the Committee may have about how we might assist this large number of students to find employment. The position is serious and will become more so with increased enrolment.

PETITIONS

The petition of *Glen Gordon MacArthur* is before the Committee in which he seeks a one year leave of absence so that he can pursue graduate studies in England. He is presently serving under articles with Messrs. McCarthy & McCarthy.

Approved

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 7th day of January, 1971, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, M. R. W. Cass, Vice-Chairman, and Messrs. Beament, Estey, Finlayson, MacKinnon, Robins, Slemin, Sheard and R. F. Wilson.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

TRANSFER FROM ANOTHER PROVINCE

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for Call to the Bar and to be granted a Certificate of Fitness:

James McLeod Hendry, Nova Scotia. *Approved*

SPECIAL

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular cases are now entitled to be called to the Bar and to be granted Certificates of Fitness:

Peter Allan Cumming — Special — Faculty of Law, Osgoode Hall Law School of York University. Fee $200.00.

Margaret Eileen Hughes — Special — Faculty of Law, University of Windsor. Fee $200.00. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulations — Part II - No. 2

515. BORISS, Uldis — B.A. Western 1964; LL.B. Western 1969.
516. HARDY, Michael Allan — 3 yrs. B.Sc. McGill; LL.B. York 1970.
517. MANN, Peter Sanderson — B.A. Western 1966; LL.B. Queens 1970.
518. VIVIAN, Peter Edward — B.A.Sc. Toronto 1964; LL.B. Western 1970.
519. WILEY, Jerome Francis — B.A. Windsor 1966; LL.B. York 1970.
520. WINDSOR, George Fairbairn — B.Eng. McGill 1965; LL.B. Queens 1970. *Approved*

DIRECT TRANSFERS

Edward Neil Colborne (B.A. Dalhousie 1948; LL.B. Dalhousie May, 1951.) was called to the Bar of the Province of Nova Scotia and admitted as a solicitor of the Supreme Court of Nova Scotia 5th February 1952. Mr. Colborne has been in continuous practice in the City of Sydney, N.S., from February 1952 to August 1970 when he joined the Legal Department of Polymer Corporation Limited in Sarnia. He seeks to proceed under Regulation 4(1) (formerly Regulation 2). *Approved*

Roy Albert Gallagher (LL.B. University of Manitoba May 1950) was called to the Bar and admitted as a solicitor of the Court of Queen's Bench on the 22nd May 1950. He has been in practice in Winnipeg since May 1950 to the present during which time he was for three years Crown Attorney with the Attorney-General's Department. He seeks to proceed under Regulation 4(1) (formerly Regulation 2). *Approved*

UNITED KINGDOM SOLICITOR

Robert Brown Carter presents a current Practising Certificate from the Law Society of England and seeks to proceed under Regulation 5(1) (formerly Regulation 8). *Approved*

COMMONWEALTH TRANSFERS

A. H. Bharvada applied in April 1965 to transfer under the Society's then Regulation 9 and his application was approved to enter the Bar Admission Course. He did not proceed. Mr. Bharvada has now expressed his desire to proceed. He states he has been in practice since that time to the present in Nairobi.

Your Committee recommends he be required to write the examinations as required by Regulation 7 (formerly 10(b)).

Kali Charan Kapoor (LL.B. Panjab University, India, 1963) was admitted as Advocate of the Bar Council of Punjab February 1963. He has practised in India since 1963 and has been a member of the Income Tax Bar Association for five years. He presents a certificate of good standing and conduct from that Association. Mr. Kapoor seeks to proceed under Regulation 7 (formerly 10(b)).

Your Committee recommends this matter stand for further information.

Kishore Premji Tanna (B.A. University of Bombay 1958; LL.B. Bombay, 1960) was admitted as an Advocate by the

Bar Council of Maharashtra in 1962. He presents testimonials to show that he practised in India until April 1970, and a certificate from the Bar Council of Maharashtra. Mr. Tanna seeks to proceed under Regulation 7 (formerly Regulation 10(b)). *Approved*

ADMISSION TO BAR ADMISSION COURSE

Saul Schwartz. A letter received from Dean R. St. J. Macdonald, University of Toronto, dated 27th November 1970, addressed to Stuart D. Thom, Esq., Q.C., states that Mr. Schwartz has a B.A. in law from Cambridge, a Cambridge LL.B. and Harvard LL.M. A curriculum vitae enclosed with the letter shows that Mr. Schwartz obtained first class honours standing first in the LL.B. degree course in 1966, and LL.M. in 1967. A further letter from Dean Macdonald, dated December 17th, 1970, certifies that Mr. Schwartz has met the general standards of legal education presently required for graduation from "this university with the degree of LL.B. and that the legal degrees he holds are the equivalent in general standard to the requirements for graduation from an approved law course in an approved university in Canada." Mr. Schwartz was admitted to the English Bar with Duke of Edinburgh Entrance Award and with a Major Scholarship.

Your Committee recommends that he be allowed to enter the Bar Admission Course.

PETITION

Susan M. Steer received a B.A., and in May 1969 the LL.B. degree from the University of Saskatchewan. In September of that year she became a law clerk to Mr. Justice E. M. Hall in the Supreme Court of Canada. After spending one year in that employment she accepted a position on the Constitutional Review Committee as a legal assistant. Miss Steer has asked to be admitted into the Bar Admission Course with a reduction of the articling period to six months beginning 1st March 1971 to enable her to enter the teaching period of the Course in September 1971. She has asked that her term as law clerk to Mr. Justice E. M. Hall be taken into consideration as contributing toward her term of articles.

Your Committee recommends that she be allowed to enter the teaching period of the Bar Admission Course provided she complete six months of her articles with a practising member of the Bar in Ontario.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Toronto, asks to be called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.00.

Stephen Michael Waddams, B.A., LL.B. *Approved*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Monday, the 21st December 1970, the following members being present: Mr. Beament, Vice-Chairman, the Treasurer (Mr. G. A. Martin), and Messrs. Gray, Pattillo and Thom.

Mr. A. R. Paterson, Q.C., the Society's solicitor, Mr. Peter Norman, the Society's Consultant, and Mr. Peter Armour, representing the Society's brokers, attended at the Chairman's request.

RE: ERRORS AND OMISSIONS INSURANCE

The Committee had before it a draft letter dated the 23rd December 1970 from the Treasurer to the profession, the terms of the Contract of Insurance between the Society and The Guardian Insurance Company of Canada, and a copy of the form of Declaration and of the Application for Exemption.

Mr. Paterson reviewed the details of the terms which were fully discussed by your Committee.

Moved by Mr. Pattillo, seconded by Mr. Gray that the policy as drafted be approved, executed and delivered including the Declaration form and the form of Application for Exemption from coverage. *Carried*

Moved by Mr. Pattillo, seconded by Mr. Thom, that the Society be empowered to send out an account immediately for a levy of $110.00 payable by every member covered by the insurance upon receipt of the account. *Carried*

Moved by Mr. Pattillo, seconded by Mr. Gray, that the Adjuster for the Society in connection with the liability insurance plan be F. C. Maltman & Company Limited. *Carried*

Moved by Mr. Pattillo, seconded by Mr. Gray, that Clarkson Gordon & Company be the auditors in connection with the liability insurance plan. *Carried*

The Treasurer asked Mr. Peter Armour for a written confirmation that the practising members of the Society will be held covered from the 1st January 1971, and Mr. Armour said that this would be sent to the Society.

Your Committee met on Thursday, the 7th day of January, 1971, the following members being present: Mr. Sheard (Chairman), Mr. Beament (Vice-Chairman) and Messrs. Gray, Robins, Steele and Thom.

Accounts

The Secretary reports that from the 1st November to the 31st December 1970 accounts, including Library Accounts, properly approved, to the amount of $120,045.68 have been paid. *Approved*

Financial Statement, 1st July to the 31st December 1970

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July to the 31st December 1970. *Approved*

Rolls and Records

The Secretary reports

1. *Appointments to the Bench*

That pursuant to The Law Society Act 1970, section 31, the memberships of 91 Provincial Judges have been placed in abeyance. The following further appointments have been made, and their memberships have been placed in abeyance:

R. B. Hutton, Q.C., Ottawa	Called — 29 June 1950 Appointed Provincial Judge, December 14, 1970
R. L. Budgell, Welland	Called — 26 March 1965 Appointed Provincial Judge, November 16, 1970.

Noted

2. *Deaths*

That the following former members of the Law Society have died:

Arthur E. Hall, Q.C., Cornwall	Called — 24 September 1926 Deceased — October 1970

Montalieu Nesbitt, Q.C., Woodstock (Honorary Life Member)	Called — 18 November 1912 Deceased — Nov. 14, 1970
Ralph Davidson, Montreal	Called — 25 March 1966 Deceased — October 29, 1970
Reginald E. Nourse, Q.C., Picton	Called — 19 November 1925 Deceased — 21 Nov. 1970
Harworth Atkinson, Q.C., Brockville (Honorary Life Member)	Called — October 21, 1920 Deceased — Nov. 27, 1970
Jack H. Phippen, Vancouver (Honorary Life Member)	Called — 20 June 1918 Deceased — November 1970
Stanley Armour, Q.C., Toronto	Called — 21 September 1944 Deceased — Dec. 2, 1970
A. D. S. Murison, London	Called — 16 June 1938 Deceased — 4 December 1970
Norman H. Treadwell, Toronto	Called — 20 November 1919 Deceased — 5 December 1970
Lorne R. McDonald, Q.C., Georgetown	Called — 20 October 1927 Deceased — 15 Dec. 1970
John H. McDonald, Q.C., Toronto	Called — 18 September 1947 Deceased — 16 Dec. 1970
Albert E. Rundle, Toronto	Called — 12 March 1925 Deceased — 24 Dec. 1970.

Noted

3. *Disbarments*

That the following former members of the Law Society have been disbarred and struck off the rolls, and their names have been removed from the rolls and records of the Law Society:

Frank C. Lively, Toronto — Called — 13 April 1962; Disbarred — Convocation, 20 November 1970.

Sidney Caplan, Toronto — Called — 24 June 1954; Disbarred — Convocation, 14 December 1970.

Jack Chadwick, Toronto — Called — 24 June 1954; Disbarred — Convocation, 14 December 1970. *Noted*

MEMBERSHIP UNDER RULE 50

The following members who are 65 years of age and fully retired, apply to be permitted to continue their membership in the Society under Rule 50 upon payment of an annual fee of $25.00:

Richard D. Arnott, Q.C., Belleville — Retired June 1967.

Frank C. Forster, Toronto — Retired 1st August 1969.

E. T. Godwin, Q.C., Toronto — Retired 1st January 1965

Fred K. Jasperson, Kingsville — Retired 1st May 1968

Sydney R. Johnston, Mississauga — Retired 1st January 1970.

James L. Kemp, Q.C., Ottawa — Retired 30 November 1970.

A. A. Marck, Dundas — Retired January 1969.

Miss Mary K. MacDonald, Guelph — Retired 31 August 1964

D. Park Jamieson, Q.C., Sarnia — Retired December 1970.
Approved

CHANGE OF NAME

Yvon J. Herve Montpetit was called to the Bar in 1968 under the name of "Yvon Montpetit". He has returned to his home town to practise where he is known under the name "Yvon J. Herve Montpetit, and asks that his name be so changed on the Rolls of the Society. His petition is before the Committee. *Approved*

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Feb. 19—W. D. Griffiths, on behalf of the Class of 1951, requests permission to hold their Class Reunion in Convocation Hall on Friday, February 19, 1971.

Apr. 28—Mr. A. M. Kirkpatrick, Executive Director, John Howard Society of Ontario, requests permission to hold the Annual Meeting of the Society in Convocation Hall on Wednesday, April 28th, 1971.

Jan. 21, Feb. 8, Mar. 23
Mr. C. Ronald Riches asks permission to use Convocation Hall and the Barristers' Lounge for meetings of the Patent and Trade Mark Institute of Canada. They plan discussion groups and dinner. On February 8th, the President of the Exchequer Court of Canada will address the meeting. *Approved*

THE REPORTS WERE ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

RE: ROMAN BARTKIW, Hamilton

The Solicitor and his Counsel, Mr. John G. White, Q.C., and the Society's Counsel, Mr. Douglas Carruthers, Q.C., attended.

The Decision of the Committee was read by the Secretary.

Convocation having given Counsel for the Solicitor an opportunity to make submissions, accepted the Decision of the Discipline Committee which found Roman Bartkiw guilty of conduct unbecoming a barrister and solicitor in that he:

> on the 1st day of May, 1968, applied to Fidelity Mortgage and Savings Corporation of the City of Hamilton for a loan of $51,500.00 and for a loan of $62,000.00 to be secured by two first mortgages on lands which at that time he alleged were owned by himself and others with whom he was associated, and knowing that the solicitor who had been engaged by Fidelity Mortgage and Savings Corporation to act on its behalf on the said mortgage transaction had taken no steps to search the title to the said lands and had no knowledge of the state of the title to the lands, took no steps to insure that the rights of the said Fidelity Mortgage and Savings Corporation were being protected and that their instructions to the solicitor appointed by it were being faithfully carried out.

The Committee received evidence that the Solicitor, his then partner, Mr. Richard Pikna [since disbarred] and two other persons made application to Fidelity Mortgage and Savings Corporation for two mortgage loans of $51,500.00 and $62,000.00. Both loans were approved and Fidelity appointed a solicitor to act for it on the transactions.

As a result of a meeting between the Solicitor, Mr. Pikna and the Solicitor appointed by Fidelity, the Solicitor appointed by Fidelity did none of the legal work on either transaction. The Solicitor's firm searched title with respect to both mortgages and sent Fidelity certificates of title and reporting letters on the letter-head of the Solicitor appointed by Fidelity signed by Mr. Pikna.

The Solicitor appointed by Fidelity stated that he had been informed at a meeting between himself, Mr. Pikna and the Solicitor that Fidelity knew of the arrangement and approved. He said that he understood that Fidelity had no objection to his taking no actual part in the transaction but wanted someone other than the mortgagor to look to with respect to liability for any defect in title.

The mortgage manager of Fidelity gave evidence that he was not aware of any "arrangement" between the Solicitor's firm and the Solicitor appointed by Fidelity.

The Committee accepted the Solicitor's evidence that his initial understanding of the arrangement was that his firm would search the title and do the routine work for the Solicitor appointed by Fidelity, but that everything would be passed over to that Solicitor for certification and completion. The Solicitor in his evidence likened the arrangement, as he understood it, to a conveyancer or clerk searching title for his principal.

The Committee, notwithstanding that it accepted the Solicitor's evidence with respect to his initial understanding of the arrangement, found that he subsequently became aware that the arrangement was not as he had first understood it to be and failed to take steps to ensure that Fidelity's rights were protected.

Convocation having considered the recommendation of the Committee as to penalty, and having given counsel an opportunity to make submissions thereon, and having considered the circumstances, ordered that the Solicitor be reprimanded in Convocation and that he be required to pay the expense incurred by the Society in the investigation and hearing of the complaint.

The Solicitor having waived his right to appeal, was reprimanded by the Treasurer.

Mr. R. F. Wilson took no part in the discussion and did not vote.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Peter Allan Cumming — of Toronto, in the County of York, Associate Dean, Osgoode Hall Law School of York University.

James McLeod Hendry — of Kanata, in the County of Carleton; Special — Nova Scotia.

Margaret Eileen Hughes — of the City of Windsor, County of Essex, Professor — University of Windsor.

DISCIPLINE COMMITTEE—Mr. Evans

RE: FRANK FREDERICK SHUNOCK, Sault Ste Marie

The solicitor attended with his Counsel, Mr. Roy Youngson.

The Decision of the Discipline Committee was read by the Secretary.

Convocation having afforded Counsel for the Solicitor an opportunity to make submissions, accepted the Decision of the Discipline Committee which found Frank Frederick Shunock guilty of professional misconduct in that he:

Did submit to the Legal Accounts Officer of the Ontario Legal Aid Plan an account for services rendered to one, James Edward Geroux under Legal Aid Certificate No. 01-1808, dated February 14th, 1968, when in fact he did not render such services;

Did represent one Allan McKenzie under Legal Aid Certificate No. 01-2498 dated July 23rd, 1968 and rendered an account thereunder to Legal Aid for representing the said Allan McKenzie at a trial at Wawa on January 17th, 1969, which he alleged lasted 2½ hours and subsequently rendered an account to Legal Aid to cover services as Duty Counsel at Wawa on January 17th, 1969, from 9:00 a.m. until 3:05 p.m.;

Did in his account to Legal Aid for services rendered to the said Allan McKenzie under Legal Aid Certificate No. 01-2498 include a disbursement for the mileage on four trips from Wawa at 140 miles per trip including one on January 17th, 1969, while in his account for services as Duty Counsel at Wawa on January 17th, 1969 included a disbursement for the mileage on a trip from Sault Ste Marie to Wawa and return, 140 miles each way;

Did represent one, Marcel Bertin, under Legal Aid Certificate No. 01-3229 dated May 16th, 1969 and rendered an account thereunder to Legal Aid charging for, inter alia, court attendance of four hours at Wawa on July 10th, 1969 and subsequently rendered an account to Legal Aid to cover services as Duty Counsel at Wawa on July 10th, 1969 from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:00 p.m.;

Did represent one Thomas Beam, under Legal Aid Certificate No. 01-3208 dated May 9th, 1969, and rendered an account thereunder to Legal Aid for representing the said Thomas Beam on a court attendance of three hours at Wawa on May 16th, 1969 and subsequently rendered an account to Legal Aid to cover services as Duty Counsel from 9:00 a.m. to 2:30 p.m. at Wawa on May 16th, 1969. At this same time, under Legal Aid Certificate No. 01-3050 dated February 13th, 1969, did also represent one, Robert Pouliot, and in an account rendered to Legal Aid on or about February 9th, 1970 charged for a court attendance at Wawa on behalf of the said Robert Pouliot on May 16th, 1969;

Did represent one, Yvon Parisee, under Legal Aid Certificate No. 01-003687 dated September 10th, 1969, and rendered an account thereunder to Legal Aid for, inter alia, representing the said Yvon Parisee on a court attendance at Wawa on September 11th, 1969, and subsequently rendered an account to Legal Aid to cover services as Duty Counsel at Wawa on September 11th, 1969, from 9:00 a.m. to 2:15 p.m.

The Committee received evidence from the solicitor and from the solicitor's secretary. The solicitor had admitted that his secretary made up his legal aid accounts and that he did not check them, and that the accounts had been prepared by his secretaries acting largely on their idea of what should be charged, and that he had simply certified the accounts so prepared without checking them.

The Committee did not consider that the solicitor's conduct could be regarded as the outcome of a deliberate course of action, but was of the view that he had fallen far short of his responsibilities. The Committee was of the opinion that it is the duty of a lawyer when rendering any account to be accurate, and that when accounts are being rendered to the Legal Aid Plan an even higher duty is imposed upon a lawyer. An ordinary client has an opportunity to check the accuracy of an account submitted to him. Legal Aid Officials lack a similar opportunity and must, therefore, rely more heavily upon a solicitor's certification.

Convocation having considered the recommendation of the Committee as to penalty, and having heard the submissions thereon by counsel for the solicitor and considered the circumstances, ORDERED that the solicitor be reprimanded in Convocation and required to pay one-half of the expenses incurred by the Society in the investigation and hearing of the complaint, namely the sum of $3,826.00.

The solicitor having waived his right to appeal, was reprimanded by the Treasurer.

Messrs. Dubin and Pepper were not present throughout, took no part in the discussion and did not vote.

The Secretary presented the following Orders which are entered on the Minutes of Convocation:

Re: Jack Chadwick, Toronto

THE LAW SOCIETY OF UPPER CANADA
IN THE MATTER OF THE LAW SOCIETY ACT, 1970
AND IN THE MATTER OF JACK CHADWICK
OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR

CONVOCATION of The Law Society of Upper Canada having read the Report of the Discipline Committee dated 2nd December 1970, wherein JACK CHADWICK, a Barrister and Solicitor, was found guilty of professional misconduct and having considered submissions made to Convocation by Counsel on his behalf hereby orders that the said JACK CHADWICK be disbarred as a barrister and that his name be struck off the roll of solicitors and that his membership in the said Society be cancelled.

DATED this 14th day of December, 1970.

"G. Arthur Martin"
Treasurer
"Kenneth Jarvis"
Secretary

Re: Frank Clair Lively

THE LAW SOCIETY OF UPPER CANADA
IN THE MATTER OF THE LAW SOCIETY ACT, 1970
AND IN THE MATTER OF FRANK CLAIR LIVELY
OF THE CITY OF TORONTO, A BARRISTER AND SOLICITOR

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated the 30th day of October, 1970, wherein FRANK CLAIR LIVELY, a Barrister and Solicitor, was found guilty of professional misconduct unbecoming a barrister and solicitor and having considered submissions made to Convocation by Counsel on his behalf hereby orders that the said FRANK CLAIR LIVELY be disbarred as a barrister and that his name be struck off the roll of solicitors and that his membership in the said Society be cancelled.

DATED this 20th day of November, 1970.

"G. Arthur Martin"
Treasurer
"Kenneth Jarvis"
Secretary

Convocation adjourned for luncheon at 11:55 a.m.

The Treasurer and Benchers entertained as their special guests at luncheon His Honour Judge W. M. Martin and His Honour Judge S. T. Bigelow.

Convocation resumed at 2:20 p.m., the following members being present: The Treasurer and Messrs. Beament, Bowlby, Callon, Cass, Estey, Gray, Henderson, Howland, MacKinnon, Pepper, Raney, Robins, Sheard, Slemin, Steele, Thom and R. F. Wilson.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 7th day of January 1971, at 9:30 o'clock in the morning, the following members being present: Mr. B. J. MacKinnon in the Chair, and Messrs. Bowlby, Ford, Maloney, O'Driscoll, Slemin and Strauss.

1. RULING 10—SIGNS AND LETTERHEADS

Your Committee considered the letterhead of a lawyer who practised law with his father until recently when the latter was disbarred. The letterhead indicated that there were two people of the same name practising and had the legend Barristers and Solicitors; however, underneath only the son's name was set out in full and in fact only the son is practising law at that address. In answer to the Society's enquiry he stated that his brother was in the teaching portion of the Bar Admission Course and expected to be called to the Bar this Spring. Your Committee instructed the Secretary to advise that the letterhead was wrong but that the Committee was exercising its discretion as provided in subsection 7 of the Ruling to permit the continued use of the letterhead. The lawyer is to advise the Society by April 1st next whether or not his brother has joined him in the practice of law. If in fact the brother does not so join, your Committee will review the matter.

2. MISCELLANEOUS

A lawyer in the Province asked your Committee if it was in order for him to place on pencils the legend "compliments of . . . Barrister and Solicitor." together with his address, or something of a similar nature.

Your Committee instructed the Secretary to advise that in its opinion this was not proper nor in good taste.

3. SUB-COMMITTEE ON ETHICAL PROBLEMS IN CRIMINAL LAW — REPORTING ON LETTERS ANSWERED

At its September 1970 meeting, Convocation approved the appointment of a Sub-Committee to consider problems in criminal law, under the Chairmanship of Mr. Arthur Maloney. The Sub-Committee has reported to your Committee its first request for guidance and the answer that was given to the lawyer. The lawyer who sought assistance was defending an individual charged with drug offences and had received a subpoena without the service of conduct money to appear and testify as a witness for the Crown. The lawyer, at the request of a third party, attended at the residence of his client and could not gain admission although he knocked several times. Upon effecting entry he found the client to be in handcuffs and the telephone receiver not in its cradle. The police would not permit the lawyer to speak privately to the client, the lawyer being ordered to leave the premises and upon refusing being threatened with arrest. The police would not permit the lawyer to attend with them while they completed their search of the premises. The lawyer at that time advised the police of the Bill of Rights which gives the individual the right to be informed of the reasons for his arrest and detention and the right to retain and instruct counsel.

The questions put to the Sub-Committee were as follows:

"a) did I have the right to be present while the search was being conducted as the client was detained (i.e. in handcuffs) even though an investigation was being conducted under a search warrant.

b) did I have the right to enter the premises of my client since he had requested my presence regardless of an attempt by the police to deny access by preventing the answer of the door or answering it themselves.

c) did I have the right to confer with my client in private while he was handcuffed despite the fact they were still continuing their search.

d) am I able to represent by client although subpoenaed by the Crown to give evidence or am I able to represent him until I do actually give evidence if such be my decision.

e) am I able to claim privilege and not answer any questions being there at the request of the client to protect his rights.

f) am I able to continue to represent my client and refuse to answer the subpoena as conduct money was not provided.

g) am I entitled to professional fees as a witness.

h) am I able to continue to represent my client and refuse to take the stand claiming an abuse of the process, alternatively privileged as his counsel being present at his request to advise him of his rights and to see that his rights were protected."

The Sub-Committee in its reply assumed the facts to be as outlined in the lawyer's letter and that the client clearly indicated his acceptance of the lawyer as his counsel after the lawyer's arrival at his residence. The lawyer was then advised that —

"a) You had the right to be present on the premises of your client while the search was being conducted. You did not have a right to interfere in any way with the search.

b) You had the right to enter the premises of your client and the police would not have had the right to deny you access certainly unless the client had indicated he did not accept the fact that you were his counsel.

c) You had the right to confer with your client in private unless this would have interfered with the search authorized by the warrant, in which case the conference with your client should not have taken place until the search was concluded.

d) Having gone to your client's premises and witnessed what you did, you put yourself into a position where it might become necessary for you to appear as a witness in the subsequent proceedings; since you have now been subpoenaed by the Crown you are no longer able to represent your client and arrangement should be made to secure other counsel.

e) You are only entitled to claim privilege in connection with any communication which passed between you and your client. You are no different from an ordinary witness if asked to testify with respect to anything else you either saw or overheard.

f) As already indicated, you are not to continue to represent your client and you would be in contempt of Court if you refused to testify.

g) You are not entitled to professional fees as a witness.

h) As already pointed out, you are not able to continue to represent your client or to refuse to take the stand as a witness. If any claim based on an alleged abuse of the Court's process is to be put forward, this would have to be done by the new counsel to be retained to represent your client."

Your Committee considered other matters and issued appropriate instructions to the Secretary.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 7th of January, 1971, the following members being present: Messrs. Steele (Chairman), Ford, Strauss, Cassels and O'Driscoll, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st December, 1970, are approved as follows:

Great Library

	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	19,547.17	53,974.07	96.93 Cr.

Special Account

Estimates	$23,472.52
Expenditures	872.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	$18,000.00	$10,500.00
Expenditures	9,275.52	3,057.98

Approved

GIFTS AND DONATIONS

A copy of the *Ontario Annual Practice,* 1967 owned by its editor, the late R. M. Willes Chitty, has been donated to the Great Library by Mr. Hamilton Cassels, Q.C.

A total of 55 bound volumes, 6 paperbound volumes and 17 loose parts of various statutes, reports, periodicals and texts published in Great Britain and Canada, have been donated by Mr. Donald Smith, Toronto. *Noted*

COPYING MACHINE

The copying machine in the Great Library has now been replaced by an Olivetti copying machine which copies two pages for ten cents. The old copying machine has been placed in the Library at 145 Queen Street West for use there on an experimental basis. *Noted*

BOOK BINDING AND STAMPING

1. Your Committee has been advised by The Carswell Company Limited, Binding Division, that effective January 1, 1971, there will be an increase from $4.65 to $5.00 per volume for binding Great Library books. Your Committee recommends that the price of $5.00 be accepted. Where a substantial number of rebinds are involved, the price will be negotiable. *Approved*

2. Your Committee has been advised that commencing January 1, 1971, the cost of stamping books will increase from 50¢ to $1.00 per book. Up to now the stamping has been done in gold and your Committee recommends that this be discontinued because of the increase in cost. Your Committee is presently obtaining information on a cheaper material which it expects will be suitable to replace the gold stamping. *Approved*

BOOK LIST

A list of books recently purchased for the Great Library was approved as amended.

REPORTING

USE OF MICROFILM FOR REPORTING CASES

Your Committee has received enquiries from two companies requesting permission to microfilm the Ontario Reports for sale to the profession. Your Committee has appointed a Sub-Committee consisting of Mr. Steele, Mr. Ford and the Chief Librarian, Miss McCormick, to pursue this matter.

REASONS FOR JUDGMENT

All Reasons for Judgment handed down by the Supreme Court of Ontario which the Society receives for publication in the Ontario Reports are presently being filed in the Society's Reports Office. Not all these Reasons are published in the Ontario Reports and your Committee feels that the profession would be served if these Reasons (particularly the unreported ones) were made available to it. Your Committee therefore recommends that the Reasons for Judgment which the Society receives be made available to the profession in the Great Library.

REPRINTS OF ONTARIO WEEKLY NOTES

In November 1968 the Law Society licensed The Carswell Company Limited to reprint certain volumes of the Ontario Weekly Notes. The Carswell Company agreed at that time to pay the Society a royalty of 5% of the gross revenues received on all reprinted volumes sold. Your Committee wishes to advise Convocation that a cheque in the amount of $2,193.70 has now been received from The Carswell Company, covering sales for the past year. For the year 1969 the Society received a cheque in the amount of $1,504.13.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 7th day of January, 1971, the following members being present: Mr. Strauss, Chairman, and Messrs. Cass, Henderson and Steele.

Several routine matters were discussed and the Secretary was instructed in respect of these matters.

Several files are presently with counsel for investigation and opinion and your Committee expects to be reporting shortly in respect of these files.

All of which is respectfully submitted.

Dated the 7th of January 1971.

THE REPORT WAS RECEIVED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on the 7th day of January, 1971, the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby and O'Driscoll.

POWERS OF ATTORNEY

Your Committee had before it a letter from R. M. MacFarlane, Q.C., in which he wrote that chartered banks in Ontario refuse or are very reluctant to accept general Powers of Attorney drawn by lawyers, preferring to insist upon having their own form of Power of Attorney used. Mr. MacFarlane says this could seriously disrupt matters and is a reflection upon the profession.

Your Committee considers that this is a matter of law and not Public Relations and recommends that Mr. MacFarlane be advised to take the matter up with the Bankers Association, either himself or through his local Law Association or through the Canadian Bar Association.

ANNUAL MEETING — PUBLIC RELATIONS

Your Committee authorizes the Chairman to spend $250.00 of the Committee's budget to cover Public Relations in connection with the Law Society's Annual Meeting to be held in Ottawa on the 6th of February, 1971.

HISTORY OF THE LAW SOCIETY — Brian Bucknall

In September Convocation accepted the Committee's recommendation that Mr. Bucknall be advised that the matter of his writing a history of the Law Society be considered further on the basis that the content of the proposed book be acceptable to both parties and that the Society's records would be adequately protected. The Chairman reported that he has discussed the matter with Mr. Bucknall who will submit a memorandum suggesting how the project can be pursued within the terms the Society stipulated.

INSTITUTE OF LAW CLERKS OF ONTARIO

The Institute of Law Clerks of Ontario has asked for a closer liaison with the Society and the Chairman of your Committee is in communication with the President of The Institute of Law Clerks in this regard.

THE REPORT WAS ADOPTED.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Friday, the 11th day of December, 1970, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Bowlby, Killeen, Poole and Robins. Mr. G. Arthur Martin, Q.C., Treasurer, also attended the meeting.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of October, 1970.

The report discloses that for the 7 month period ended October 31, 1970, the Plan spent $640,000 more than had been anticipated when the budget for this current fiscal year was prepared. This excess expenditure would, in fact, be closer to $1 million at the end of October had there not occurred a slow-down in the processing of solicitors' accounts.

Indications are that if the current rate of expenditure continues and if the backlog in the processing of solicitors' accounts is eliminated then total expenditure for the fiscal year ended March 31, 1970 will exceed the original budgeted expenditure by approximately $2.5 million. The Government of Ontario has for some months been aware of this possibility and additional funds have already been formally requested from the Treasury Board.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for 7 months ended October 31, 1970.

The statistical report for the 7 month period ended October 31, 1970, shows that there is no decrease in the volume of Legal Aid activity. When compared with activity for the corresponding period in 1969, it will be seen that informal applications have increased by 21% and formal applications (Form 2) by 29%. Similarly, certificates issued and persons assisted by duty counsel show increases of 35% and 17% respectively.

It is likely that current economic conditions are a significant factor in this substantial increase in activity.

(b) The Controller submitted recommendations for the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

(c) The Controller submitted a statement for the month of December, 1970, with respect to professional fees paid solicitors for special services rendered the Ontario Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of November, 1970.

(b) The Legal Accounts Officer submitted a report for the month of November, 1970 with respect to reviews and appeals.

(c) Section 17(2) of the Legal Aid Act
Section 128 of the Regulation.

Section 17(2) of the Legal Aid Act reads:

> "Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under

> a judgment, order, settlement or otherwise, the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund."

The Legal Accounts Officer made the following submission to the Committee:

A solicitor, represented Mrs. [E] under a legal aid certificate for partition proceedings with respect to property in Scarborough.

The partition proceedings were discontinued when the parties agreed to a private sale. The property was sold and the sale was handled by Mr. [E's] solicitor. Mrs. [E] received approximately $8,000 from the sale of the property.

Since the legal aid certificate covered only the partition proceedings and the real estate transaction was separate and apart, the solicitor was of the opinion that his client was not liable to the Legal Aid Fund for any recovery.

The Legal Accounts Officer was of the opinion that the sale of the property resulted from the partition action and that Mrs. [E] received a sum in respect of such matter, and that Section 17(2) applies.

After reviewing this matter, the Committee was in agreement with the Legal Accounts Officer that the settlement arose as a result of the partition proceedings and that Mrs. [E] received a sum in respect to such matter and that Section 17(2) applied.

(d) In June, 1968, the Committee submitted the following recommendation to Convocation:

> "lawyers practising in Metropolitan Toronto should not be allowed to charge the Plan for travelling time within Metropolitan Toronto."

Convocation adopted the Committee's recommendation.

The Legal Accounts Officer submitted a memorandum and a copy of a letter from S. Sadinsky, Solicitor for the Law Society on Tax Appeals, dated November 16th last, commenting on the results of an appeal by a solicitor concerning the disallowance of travelling time in Metropolitan Toronto.

The Committee was of the opinion that solicitors should not be allowed travelling time in Metropolitan Toronto and instructed the Legal Accounts Officer to advise Mr. Sadinsky to launch an appeal with respect to the Taxing Master's decisions that it is improper to discriminate between lawyers in Metropolitan Toronto and elsewhere.

The Committee was of the view that under Schedule 2, Item 60 of the Legal Aid Regulation, the allowance for travelling time is in the discretion of the Legal Accounts Officer and that the Taxing Officer has no jurisdiction in this matter.

It was noted that the solicitor submitted three accounts wherein he requested a review on the disallowance of travelling time in Metropolitan Toronto. The Committee instructed the Legal Accounts Officer to disallow the solicitor's claim in these accounts and to forward the settlements to the solicitor without delay.

It was the opinion of the Committee that this matter should also be referred to the Sub-Committee on Tariff Amendments.

ACCOUNTS

Your Committee reviewed a memorandum from the Controller on the subject of long overdue accounts being submitted by Legal Aid lawyers.

The Committee referred the matter to the Sub-Committee on Amendments to the Act and Regulation with the recommendation that an amendment be made to the Regulation to permit an account which has not been submitted within six months to be disallowed. The Committee also recommended that consideration be given to what extension of time, if any, should be allowed in special cases.

It was felt that such a discretion should be left with the Provincial Director.

PLEAS OF "NOT GUILTY"

At the November 13, 1970, meeting your Committee considered correspondence from Samuel A. Caldbick, Q.C., addressed to T. P. Callon, Q.C., Chairman, wherein he stated that Legal Aid counsel have pleaded not guilty against the express wish of the client. Mr. Caldbick remarked that in all cases where the accused is before the court, he and not counsel should plead.

Mr. Caldbick's letter was referred to G. Arthur Martin, Q.C., who prepared a memorandum on the subject of the duty of counsel in advising or representing a client in relation to the entering of a plea to a charge.

Your Committee reviewed Mr. Martin's memorandum and recommended that in view of the importance of the issues raised, the memorandum should be considered by the Professional Conduct Committee with the further recommendation that the Professional Conduct Committee might write the profession to comment on the proposed statements of policy before Mr. Martin's memorandum was presented to Convocation.

SECTION 11 OF THE LEGAL AID REGULATION

Section 11 of the Legal Aid Regulation reads:

> "11. Except in those areas exempted from this section by the Legal Aid Committee, no area director shall perform any professional services as a solicitor for any client as defined by this Regulation."

James B. Chadwick, Area Director, Carleton County, had been requested by an accused to represent him under a legal aid certificate in the County of Renfrew.

L. P. Lafrance, Q.C., Area Director, Renfrew County, enquired whether an Area Director can accept a certificate to repesent a legal aid client in a county or district other than his own.

The Committee unanimously agreed that an Area Director cannot accept a certificate to represent a legal aid client anywhere in the province.

AREA COMMITTEES

The following resignation was noted:
Resignation:
Lincoln County

William J. Marshall, Representative, Internation Union, U.A.W.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 6th day of January, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Bowlby, Cass, Fairbairn, Gray, Robins and O'Driscoll.

Mr. G. Arthur Martin, Q.C., Treasurer, attended the meeting.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of November, 1970.

For the 8 month period ended November 30th, 1970 the Plan expended $592,000 more than had been anticipated when the budget for the current fiscal year was prepared. $510,000 of this sum is for increased fees and disbursements and the remaining $82,000 is for increased administrative costs.

Payments received from contributing clients have fallen $67,000 behind anticipated receipts. On the other hand, amounts received in respect of client recoveries are $65,000 more than anticipated.

A backlog continues in the processing of solicitors' accounts. Were this not so, expenditures would be even higher.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for 8 months ended November 30th, 1970.

During the 8 month period ended November 30th, 1970 a total of 70,429 people attended at area offices throughout the Province and of these 44,319 made formal applications for legal aid. These two figures represent increases of 26% and 30% respectively over the same 8 month period in 1969. There were 37,056 certificates issued compared with 27,536 in the corresponding period last year or an increase of 34.5%. During the same 8 month period Duty Counsel assisted 59,047 persons which represents an 18% increase over the number of persons assisted in the same period in 1969.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report with respect to the activity of the Legal Accounts Department for 3 months ended December 31st, 1970.

(b) The Legal Accounts Officer submitted a report for the month of December, 1970 with respect to reviews and appeals.

PROPOSED STUDY ON THE OPERATION OF THE ONTARIO LEGAL AID PLAN

At its meeting on July 8th, 1970 the Committee recommended that Professor Stephen Borins, Osgoode Hall Law School, York University, be retained to conduct a study of the operation of the Ontario Legal Aid Plan administed by The Law Society of Upper Canada and to report thereon to the Legal Aid Committee. Convocation adopted the Committee's recommendation in September, 1970.

Professor Borins has advised the Treasurer that it will be impossible for him, due to his commitments at York University, to undertake this study.

Your Committee recommends that F. Joseph Cornish, Q.C., be retained to report to the Committee on the question of whether the Legal Aid Plan is so administered in the Municipality of Metropolitan Toronto that legal services are effectively available to all of those persons entitled to such legal services with particular reference to the "chronic poor" and, if not, to suggest ways in which legal services under the Plan be more effectively provided.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Legal Aid Committee for:

Nipissing District

Robert Steadman, Teacher, Cambridge College, North Bay

The following resignations were noted:

Nipissing District

Conrad Proulx, Solicitor, Sturgeon Falls

Algoma District

J. Douglas Cameron, City Solicitor, Sault Ste Marie

THE REPORT WAS ADOPTED.

LAW SOCIETY COUNCIL

Moved by Mr. Howland, seconded by Mr. MacKinnon, that the Council meet on Friday, the 26th February 1971 at Osgoode Hall. *Carried*

BENCHERS ELECTION

Moved by Mr. Robins, seconded by Mr. Pepper that, in accordance with the Act and the Rules, Mr. Roland B. Watt be appointed the Treasurer's representative for the Benchers Election 1971, and that Messrs. G. Robert Green, J. P. Borden and Stephen T. Goudge be appointed the three scrutineers with power to act on any reference under subrule 3 of Rule 9. *Carried*

SPECIAL COMMITTEE RE LAW REFORM COMMISSION PROJECT ON THE ADMINISTRATION OF ONTARIO COURTS

Moved by Mr. Howland, seconded by Mr. Pepper that the Treasurer appoint a committee of five Benchers re Law Reform Commission Project on the Administration of Ontario Courts. *Carried*

The Treasurer appointed the following Special Committee: Messrs. Estey (Chairman), Cass, Finlayson, Robins and Steele.

CANADIAN NATIONAL EXHIBITION ASSOCIATION

The Secretary is in receipt of a letter from the Canadian National Exhibition Association asking the Society to appoint a representative to be a member in the General & Liberal Arts Section of the Association.

Moved by Mr. Pepper, seconded by Mr. Estey, that Mr. W. B. Common, Q.C., be appointed the Society's representative. *Carried*

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of February, 1971.

"G. Arthur Martin"
Treasurer

MINUTES OF CONVOCATION

Friday, 19th February 1971
10 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.) and Messrs. Beament, Callon, Cass, Evans, Fennell, Finlayson, Ford, Goodman, Gray, H. E. Harris, W. E. Harris, Howland, Lochead, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss and Thom.

The Minutes of Convocation of January 15, 1971, were read and confirmed.

DISCIPLINE COMMITTEE—Mr. Evans

RE: YVES PARISIEN, Ottawa

Convocation, after affording the Solicitor and his Counsel an opportunity to dispute the decision, accepted the decision of the Discipline Committee composed of Mr. P. B. C. Pepper, Chairman, and Messrs. Seymour and Strauss finding the Solicitor guilty of professional misconduct in that he:

(a) failed to produce to a representative of Messrs. Thorne, Gunn, Helliwell & Christenson, the auditors designated by the Society to conduct an investigation of his books and accounts, all evidence, vouchers, records, books and papers with respect to an account designated Yves Parisien in trust, as required by Rule 11 of the then rules respecting accounts of the Law Society of Upper Canada.

(b) failed to produce to a representative of Messrs. Touche, Ross & Company, the auditors designated by the Society to conduct an investigation of his books and accounts, all evidence, vouchers, records, books and papers with respect to an account designated Yves Parisien in trust, as required by s. 22(1) of the Regulation made pursuant to The Law Society Act, 1970.

Convocation informed the Solicitor and his Counsel that a motion to disbar had been made. The Solicitor and his Counsel made no submission with respect to penalty and the Solicitor stated that he accepted the decision and the penalty. Convocation, after considering all the circumstances including the recommendation of the Committee with respect to penalty ordered that Yves Parisien be disbarred as a barrister and that his name be struck off the Roll of Solicitors, and that his membership in the Law Society of Upper Canada be cancelled.

RE: DAVID LeROY BOWMAN, Oshawa

Convocation, after affording Counsel for the Solicitor an opportunity of disputing the decision, accepted the decision of the Discipline Committee composed of Mr. W. Gibson Gray, Chairman, and Messrs. Common and P. D. Wilson finding the Solicitor guilty of professional misconduct in that:

> "On or about the 27th day of August, 1970, he received the sum of $5,000.00, more or less, in trust from his client, Thomas O. Rayner, and misappropriated it."

Convocation informed Counsel for the Solicitor that a motion to disbar had been made. Counsel for the Solicitor made no submission with respect to penalty and Convocation, after considering all the circumstances including the recommendation of the Committee with respect to penalty, ordered that David LeRoy Bowman be disbarred and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

RULES COMMITTEE

Moved by Mr. Thom, seconded by Mr. Strauss, that Mr. G. D. Finlayson, Q.C., be appointed the Society's representative on the Rules Committee, replacing Mr. B. J. MacKinnon, Q.C., resigned, for the balance of his term — 1st July 1971.

Carried

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 11th day of February, 1971, at 3:00 p.m., the following members being present: Mr. Gray, Vice-Chairman in the Chair, Messrs. Callon, Cass, Finlayson, Henderson, MacKinnon, Slemin and Thom.

DIRECTOR'S REPORT

The Director requests the Committee's approval of the following appointments to the Faculty of the Bar Admission Course.

Family Law

James Karswick, Esq., to be appointed an Instructor for the current teaching term.

Malcolm C. Kronby, Esq., to be appointed an Instructor for the current teaching term.

Charles C. Mark, Esq., to be appointed an Instructor for the current teaching term.

Reuben Richman, Esq., to be appointed an Instructor for the current teaching term.

Paul J. Green, Esq., to be appointed an Instructor for the current teaching term.

Gerry K. Selzer, Esq., promoted to Instructor for the current teaching term.

Frederick G. Gans, Esq., promoted to Instructor for the current teaching term.

Criminal Law

R. J. J. Furnell, Esq., to be appointed an Instructor for the current teaching term.

Morris Manning, Esq., to be appointed an Instructor for the current teaching term.

M. H. Siegal, Esq., to be appointed a stand-by Instructor for the current teaching term. *Approved*

PETITIONS

Mr. Michael Donald Godfrey who is serving under articles is asking to defer entrance into the teaching period of the Bar Admission Course for one year to read for an LL.M. degree at the London School of Economics. *Approved*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 11th day of February, 1971, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Beament, Callon, Finlayson, Lochead, MacKinnon and Slemin.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

STEPHEN MICHAEL WADDAMS — Special Faculty of Law, University of Toronto. Fee $200. *Approved*

UNITED KINGDOM SOLICITOR

Miss Jean P. Smith, is a qualified Scottish solicitor. She came to Canada in 1970 and in May obtained employment in a legal firm in Toronto as a Law Clerk, with the intention of staying only one year. She has now decided to stay in Toronto and applies to proceed under Regulation 5(1). Miss Smith asks for exemption from the articling period of the Bar Admission Course or alternatively, that her position as Law Clerk be considered as that of an articling student beginning September, 1970, and that she be allowed to enter the teaching period of the Bar Admission Course in September, 1971, subject to presenting a current practising certificate from the Law Society of Scotland.

Approved (*i.e.*) to enter the Bar Admission Course.

COMMONWEALTH TRANSFERS

The Committee considered four applications to proceed under Regulation 7 (Commonwealth transfers) and made recommendations thereon.

OCCASIONAL APPEARANCES

Philip Shaposnick, Montreal, Quebec, has applied to proceed under the Admission Committee's Regulation 10 (formerly 11) governing "Occasional Appearances in Ontario" of lawyers from other Provinces. *Approved*

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law, University of Toronto, ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200:

JOHN LLEWELYN JONES EDWARDS, LL.B. (University of Wales); B.A. (Law Tripos Part II, Cambridge), Ph.D. (London) LL.D. (Cambridge) Member of English Bar.

Approved subject to producing satisfactory evidence that he is a full-time member of the Faculty.

HILDA MARGARET MCKINLAY, B.A. (Toronto), LL.B. (Osgoode), LL.M. (Columbia).

Approved subject to producing satisfactory evidence that she is a full-time member of the Faculty.

ADMISSION REGULATIONS

At its meeting on the 8th October, 1970, the Committee recommended and Convocation subsequently approved, draft Admission Regulations in accordance with those recommended by the Conference of the Governing Bodies. A further draft is before the Committee in a form suitable for approval by the Lieutenant-Governor in Council and incorporation into the Society's Regulation passed under The Law Society Act, 1970.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

STEPHEN MICHAEL WADDAMS of Toronto, in the County of York, Faculty of Law, University of Toronto.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 11th day of February, 1971, the following members being present: Messrs. Beament (Vice-Chairman), Callon, Fennell, Gray, Henderson, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st January to the 31st January, 1971, accounts, including Library Accounts, properly approved, to the amount of $606,707.20 have been paid. *Approved*

FINANCIAL STATEMENT

—1st July 1970 to the 31st January 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1970 to the 31st January 1971. *Approved*

Rolls and Records

The Secretary reports —

Appointments to the Bench

That pursuant to The Law Society Act 1970, section 31, the memberships of the following Provincial Judges have been placed in abeyance:

Frederick S. Gregory, Q.C., London — Called 15th March 1951; Appointed Provincial Judge, January 11, 1971.

William S. Sharpe, Georgetown — Called 30th May 1956; Appointed Provincial Judge, December 17, 1970.

Deaths

That the following former members of the Law Society have died:

Bernard Weinberg, Q.C., Toronto	Called—21 June 1928; Deceased—27 December 1970
Clive M. Sinclair, Q.C., Clarkson	Called—16 October 1924; Deceased—9 January 1971
Emerson T. Coatsworth, Q.C., Toronto (Hon. Life Mem.)	Called—19 May 1911; Deceased—12 January 1971
George J. Valin, Q.C., Sudbury (Hon. Life Mem.)	Called—27 February 1908; Deceased—22 January 1971
James T. Gow, Q.C., Toronto	Called—18 June 1925; Deceased—2 February 1971.

Noted

Membership Under Rule 50

The following member who is 65 years of age and fully retired, applies to be permitted to continue his membership in the Society under Rule 50 upon payment of an annual fee of $25:

Osborn S. Hollinrake, Q.C., Stouffville — retired 21st December, 1968. *Approved*

Arrears of Annual Fees

Two years in arrears — Hitherto members in arrears for two years or more have faced immediate suspension. The Law Society Act 1970, section 36, provides:

> "If a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment was due, Convocation may by order suspend his rights and privileges as a member for such time and on such terms as it considers proper in the circumstances."

The following members who were in arrears for one year when the Law Society Act 1970 came into force on the 1st

October, 1970, are still in arrears. They were notified by letter dated November 24, 1970, that they might be suspended if they remained in arrears at the end of January, 1971:

Finlay, David B. — 355 Burrard St., Vancouver, $232.
Higgins, W. A., Q.C. — 80 Johnson St., Kingston, $292.
Rose, David R. K. — 159 Bay St., Toronto, $292.
Stuchen, Jacob M. — Los Angeles, Calif., U.S.A., $232.

Your Committee recommends that the above members be suspended from practice for one year, and from year to year thereafter or until their arrears of fees are paid.

Approximately 287 members have not paid the fees due on the 30th November, 1970, and will be liable for suspension at the end of March. They received notice of the provisions of Section 36 as part of the regular Fees Notice that was sent to everyone. They have had no subsequent notice respecting their liability to suspension.

A draft Final Notice of Overdue Fees is before the Committee. *Approved*

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

CHANGE OF NAME

Dianne Rosemary Baig petitions to have her name changed on the rolls of the Society to include her maiden surname — "Pettit" — and that the Rolls be amended to read "Dianne Rosemary Pettit Baig". *Approved*

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Grant — A letter from Mr. H. St. Geo. Stubbs, Secretary of the Conference of Governing Bodies, advises that the grant allocated to this Law Society for the year 1970-71 amounts to $5,800. *Approved*

PENSION PLAN

To effect the transfer of the cash surrender value of the Standard Life Paid-up Group Annuity Policy, a formal resolution of Convocation is necessary. The following is a draft resolution:

"Moved by
Seconded by

THAT effective March 1, 1970 The Standard Life Assurance Company Group Pension Policy No. Gr.P.W. 10058 be surrendered for cash, and the cash surrender value of the said Policy transferred and deposited in the Fund of The Pension Plan for Employees of The Law Society of Upper Canada; and

THAT effective March 1, 1970, the Pension Plan for Employees of The Law Society of Upper Canada be amended by the addition of the following new paragraph 3.3 to Section 3 Fund:

'3.3 On March 1, 1970, Group Pension Policy No. Gr.P.W. 10058 was surrendered for cash, and the cash value thereunder was transferred and deposited into the Fund, and with effect from March 1, 1970 all pension and other benefits accrued to February 28, 1969 under Group Pension Policy No. Gr.P.W. 10058 shall be paid out of this Fund.' "

Approved

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Jan. 25 The Labour Relations Section, Ontario Subsection, C.B.A. requested permission to hold a dinner meeting and Bar in Convocation Hall on Monday, January 25, 1971.

Feb. 20 Mr. R. Birken, on behalf of the Trustees of the University of Toronto, Class of '68 Trust Fund, asks permission to hold a Cocktail Party as both a fund raising and a social occasion, in Convocation Hall on Saturday, February 20th, 8 to 12 p.m.

Feb. 26 Mr. C. C. Johnston, on behalf of the Legal Education and Training Subsection, C.B.A. asks permission to hold a meeting in Osgoode Hall on Friday, February 26th, 3 to 5 p.m.

Apr. 7 Mr. Harvey McCulloch, on behalf of the Crown Attorneys, asks permission to hold the Crown Attorneys' Dinner in Convocation Hall on Wednesday, April 7th, 1971 at 5:30 p.m.

Apr. 21 Miss Helen Halchuk, Executive Secretary, The Advocates Society, asks permission to reserve Convocation Hall for their County Court Judges' Cocktail Party, 5-7 p.m. on April 21, 1971. *Approved*

THE REPORT WAS ADOPTED.

PENSION PLAN

Moved by Mr. Sheard, seconded by Mr. Beament, that effective March 1, 1970, The Standard Life Assurance Company Group Pension Policy No. Gr.P.W. 10058 be surrendered for cash, and the cash surrender value of the said Policy transferred and deposited in the Fund of The Pension Plan for Employees of The Law Society of Upper Canada; and

That effective March 1, 1970, the Pension Plan for Employees of The Law Society of Upper Canada be amended by the addition of the following new paragraph 3.3 to Section 3 Fund:

> '3.3 On March 1, 1970, Group Pension Policy No. Gr.P.W. 10058 was surrendered for cash, and the cash value thereunder was transferred and deposited into the Fund, and with effect from March 1, 1970 all pension and other benefits accrued to February 28, 1969 under Group Pension Policy No. Gr.P.W. 10058 shall be paid out of this Fund.' "

Carried

ARREARS OF ANNUAL FEES — *Motion to Suspend*

Moved by Mr. Sheard, seconded by Mr. Beament, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their arrears of fees are paid:

Finlay, David B., 355 Burrard St., Vancouver.
Higgins, W. A., Q.C., 80 Johnson St., Kingston.
Rose, David R. K., 159 Bay St., Toronto.
Stuchen, Jacob M., Los Angeles, Calif., U.S.A.

Carried

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

A joint meeting of the Discipline Committee and the Professional Conduct Committee was held on the 11th day of February, 1971, at 9:30 o'clock in the morning the following members being present: Mr. F. J. L. Evans, Chairman of the Discipline Committee, and Mr. S. E. Fennell, Chairman of the Professional Conduct Committee, as Co-Chairman, and Messrs. Beament, Bowlby, Callon, Cass, Estey, Finlayson, Ford, Goodman, Gray, Henderson, Lochead, Maloney, MacKinnon, O'Driscoll, Slemin, Steele, Strauss and Thom.

The members of your Committee had a wide ranging discussion of the use of the "news media" by members of the profession when representing personalities in the public eye, apparently for publicity purposes.

It is recommended that the terms of reference of the Sub-Committee of the Professional Conduct Committee on "Touting, Advertising and Soliciting" be enlarged to consider all aspects of this question and that Messrs. Bowlby and Estey be added to the Sub-Committee.

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 11th day of February, 1971, the following members being present: Messrs. Steele (Chairman), Ford, Strauss, Lochead and O'Driscoll, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st January, 1971, are approved as follows:

Great Library

	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	20,679.92	62,380.27	260.61

Special Account

Estimates	23,472.52
Expenditures	872.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	18,000.00	10,500.00
Expenditures	9,336.57	3,541.31

Approved

GIFTS AND DONATIONS

George H. Riches and Associates, Barristers and Solicitors, Toronto, have donated a divided card index of United States Patent and Trade Mark cases up to September, 1969, along with filing cabinets for storage purposes. *Noted*

ANNUAL INVENTORY OF TEXT BOOKS

In the year 1970, six text books were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, 11 were returned in 1970.

Comparative figures for the past five years are:

	Missing	*Returned*
1965	10	31
1966	7	13
1967	6	6
1968	5	13
1969	3	13

Texts taken during 1970 and not returned are as follows:

Canada: Laws, Statutes, etc. The Criminal Code 1953-54 . . . and selected Statutes. Ottawa, Queen's Printer. v.p. 82384 A Locker Text

George E. F.: Taxation and property transactions. 2d ed. London, Taxation Publishing Co., 1964. 184 p. 85294.
Harrison, W. H.: Forgery detection; a practical Guide. New York, Praeger, 1964. 282 p. 83530.

MacDonald, I. A.: Resale price maintenance. With a foreward by Sir Derek Walker-Smith. London, Butterworths, 1964. 247 p. 83773.

McMichael, S. L.: Leases, percentage, short and long term — by S. L. McMichael and P. T. O'Keefe. 5th ed. Englewood Cliffs, N.J. Prentice Hall (1959). 511 p. 82780.

Mandel, Ludwig: The preparation of commercial agreements, 3d ed. (New York) Practising Law Institute (c1964). 129 p. 84327. *Noted*

BOOK LIST

A list of book purchases for the Great Library was approved as amended.

County Law Libraries

Annual Schedule

Copies of the Annual Schedule for 1970 giving comparative standing of County Law Associations based on Annual Returns for 1969 have been distributed to all of the County Law Associations.

Annual Grants

The following associations have sent in their annual returns. The amounts which each should receive under the Rules for the year 1971 are as follows:

		1971		*1970*
Bruce		$ 970.00		$1,075.00
Cochrane	$1,445.00		$1,425.00	
	300.00*	1,145.00	300.00	1,125.00
Grey		1,355.00		1,250.00
Hamilton		2,000.00		2,000.00
Middlesex		2,000.00		2,000.00
Oxford		1,460.00		1,425.00
Perth		1,390.00		1,390.00
Stormont, Dundas and Glengarry		998.02		1,011.67
Waterloo		2,000.00		2,000.00
Welland		2,000.00		2,000.00

*—Paid on loan

Approved

Cochrane Law Library

Your Committee considered correspondence received from the Secretary of the Cochrane Law Association requesting an increase in the Association's grant to meet increased expenses. This Law Association maintains two libraries. Since an increase in grants would involve amendments to the Society's regulations, your Committee recommends that the Cochrane Law Association be advised that it is not possible for the Society to make a further payment at this time unless and until a revision is made to the general system of grants and the Society's fee structure.

Reporting

Federal Court of Canada Reports, 1971

Your Committee considered a request from the Department of Justice of Canada for the Society to bring to the attention of its members that the individual subscription price for the Federal Court of Canada Reports for 1971 will be $6 and that those wishing to buy a subscription should write Information Canada in Ottawa. Your Committee recommends that an appropriate notice be inserted in a forthcoming issue of the *Ontario Reports.*

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th day of February, 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Bowlby, Cass, Fennell, Henderson, Lochead and Steele.

A brochure issued by a firm of non-solicitors listing a variety of services which may contravene the prohibition section of The Law Society Act 1970 was referred to Counsel for investigation.

Proceedings are being instituted under the prohibition section of The Law Society Act 1970 against a non-solicitor acting on real estate transactions.

THE REPORT WAS RECEIVED.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 10th day of February, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Bowlby, Cass, Fairbairn, Gray, Lochead, O'Driscoll and Poole.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of December, 1970.

The report of the Director for the nine-month period ended December 31st, 1970, indicates a total expenditure of $586,000 in excess of the sum which had been originally budgeted. On the basis of this report plus current information available for the month of January, 1971, the Provincial Treasury Board has been advised that the total net cost of the Legal Aid Plan for the fiscal year ending March 31st, 1971, will be approximately $10,221,000. This represents an expenditure of $2,061,000 more than the original total budget for 1970-71.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for nine months ended December 31st, 1970.

Applications for legal aid both informal and formal have increased 22% and 32% respectively over the corresponding nine-month period in 1969. Despite this increased activity, the refusal rate for legal aid has increased to 14.8% in the nine months ended December 31st, 1970, as compared to 13.6% for the corresponding nine-month period in 1969.

Certificates issued in the nine-month period ended December 31st, 1970, show a 36% increase over 1969. The increase is equally divided between civil and criminal certificates. The percentage of certificates issued carrying contribution agreements has dropped from 13% last year to 10% this year. This may be a reflection of the general unemployment and economic conditions.

Persons assisted by Duty Counsel in the nine months ended December 31st, 1970, show a 14% increase over last year. This increase took place entirely in criminal matters.

(b) The following lease which was approved by John D. Honsberger, Q.C., on behalf of the Law Society, was approved by your Committee:

> *District of Manitoulin & Sudbury* — 69 Elm St. West, Suite 207, Sudbury — 5 years, January 1st, 1971 to and including the 31st day of December, 1975 — $150 per month.

(c) The Controller submitted recommendations for the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

(d) The Controller submitted recommendations for the writing-off of client recoveries pursuant to Section 98(2) of the Regulation.

(e) The Controller submitted a schedule of disbursements incurred by solicitors for services rendered the Ontario Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for three months ended January 31st, 1971.

The report for the three months ended January 31st, 1971, indicates that the backlog of unpaid accounts is being substantially reduced. In the month of January, 1971, 4,660 accounts were settled and paid compared with 2,687 in December, 1970, and 2,057 in November, 1970. It is anticipated that a further 10,000 accounts will be paid in the two-month period ended March 31st, 1971. At that time the total of unpaid accounts will have reverted to approximately 3,500 which is considered to be a normal backlog.

(b) The Legal Accounts Officer submitted a report for the month of January, 1971, with respect to reviews and appeals.

ASSIGNMENTS

At its January meeting, the Committee considered a memorandum from the Controller with respect to a Direction received from a solicitor to assign his legal aid accounts to the Bank of Montreal.

The Committee reviewed the problem and instructed the Director to place this matter on the February agenda for further consideration. The Controller was asked to submit statistics on the number of solicitors who had, in fact, requested him to assign their legal aid accounts to a banking institution.

It was disclosed that five lawyers have made such a request. The Committee was of the opinion that four of the solicitors were in breach of Section 23(a) of the Legal Aid Act and Section 138 of the Regulation in that the assignee was in possession of schedules of legal aid accounts giving the clients' names and addresses which contravenes the non-disclosure of information as set forth in the above-noted sections.

The Director was instructed to write the solicitors for comment.

The Committee further recommended that the Sub-Committee on Amendments give consideration to amending the legislation to prohibit lawyers from making such assignments.

DISCIPLINE (Section 29(5) Legal Aid Regulation)

Pursuant to Section 29(3) of the Regulation, on July 22nd, 1970, Frank F. Shunock, Solicitor, Sault Ste. Marie, was removed from the Legal Aid Panels.

On January 20th, 1971, Mr. Shunock applied for reinstatement.

Your Committee considered the application of Frank F. Shunock, Solicitor, for reinstatement to the Legal Aid Panels.

It was moved that the application be refused.

SUB-COMMITTEE ON AMENDMENTS TO THE ACT AND REGULATION — *Re: Student Legal Aid Societies*

At its January meeting, your Committee considered the draft amendments prepared by G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation, to amend Section 78 of the Regulation to provide for court appearances by second-year law students and to amend Section 23(a) of the Legal Aid Act to provide for privilege in the communications between members of a Student Legal Aid Society and a recipient of this form of Legal Aid. The Committee approved the proposed amendments subject to the approval of the Deans of the various law schools.

Dean Tarnopolsky, University of Windsor and Dean Soberman, Queen's University, were in agreement with the proposed amendments. No replies were received from the Deans of Osgoode Hall Law School, University of Western Ontario and the University of Toronto.

LEGAL AID AND THE CHRONIC POOR

Your Committee considered correspondence from James B. Chadwick, Area Director, Carleton County, wherein he commented on whether legal aid is reaching the chronic poor in Carleton County.

Mr. Chadwick requested approval to evaluate the needs of the community by setting up a trial programme for a period of three months along the following lines:

(a) the placing of a civil duty counsel in depressed areas to give persons advice on legal matters and to process applications for legal aid where necessary — the duty counsel to be present in the evening rather than during the day;

(b) arrange for the attendance of duty counsel to go with the "Community Service Team" into the depressed areas of the community and to act in the same capacity as duty counsel as outlined in paragraph (a);

(c) to place notices and announcements in the various community papers as to the availability of duty counsel in such depressed areas — the announcement to be directed through a local community paper rather than a daily newspaper.

Your Committee approved the proposal for a three-month period and requested that Mr. Chadwick report to the Director forwarding the duty counsel's detailed report on each day or night's activity. The Committee were of the opinion that such a report would facilitate the assessing of the legal needs of people in a depressed area.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Simcoe County
W. M. Thompson, Q.C., Barrie.
Waterloo County
R. P. Kominek, Solicitor, Waterloo.
H. L. Miller, Q.C., Kitchener.
W. K. Schwarz, Solicitor, Galt.
G. L. Greatrex, Solicitor, Kitchener (appointments effec-
K. A. Rae, Asst. Crown Attorney tive April 1, 1971)
J. H. Jenkins, Solicitor, Galt.
The following resignations were noted:
Waterloo County
R. A. Haney, Q.C.
P. A. Dufresne, Solicitor.
J. G. Martin, Q.C.
R. B. Trott, Q.C. (resignations effective
W. H. White, Solicitor. March 31st, 1971)
W. J. Morrison, Asst. Crown Attorney.

All of which is respectfully submitted.

10th February, 1971. "G. E. BEAMENT"
for Chairman

THE REPORT WAS ADOPTED.

BUILDING COMMITTEE—The Treasurer

Your Committee met on Wednesday, January 20, 1971, at 10:00 o'clock in the morning, the following members being present: Mr. G. A. Martin, Chairman, and Messrs. Common, Levinter and Sheard.

Mr. Heeney and Miss McCormick were present at the Chairman's invitation.

Your Committee had before it a letter dated the 2nd December, 1970, addressed to the Society by Mr. Heeney, and

Plan 7009 drawn by Mr. Heeney showing proposed alterations and renovations, particularly to the Library areas of the building.

Mr. Heeney advised the Committee that three major expenditures are involved:

1. With respect to the areas in the central and west wings which do not now belong to the Society, but which the Society will occupy when the Government's renovations are done, approximately $175,000 will be needed to pay the Society's share of the renovations and improvements to those areas, including air-conditioning.
2. Renovations to the Library areas as shown on Plan 7009 will cost approximately $70,000.
3. $50,000 will be needed to supply the new elevator in the west wing to service the Library.

Accordingly, the total approximate cost to the Society will be $295,000.

Several basement rooms have vaulted brick ceilings. Mr. Heeney recommends that these vaulted ceilings be removed to make the rooms fit for use as book storage or library work rooms.

Your Committee recommends that this be done at the Society's expense, not including three rooms in the central area which should remain Government property. Mr. Heeney will provide a breakdown of the cost.

LIBRARY EXPANSION

Mr. Heeney showed the Committee the details of Plan 7009 comprising drawings Nos. 1, 2, 3 and 4 which reflect the Society's plan for library expansion over the next 20 years. The plan includes moving the Chief Librarian's office to a new office on the west side of the building; moving reference books to the south-west corner of the building; forming the Lending Library into an extension of the American Room; forming Mr. George Johnston's old office into an extension of the present Reading Room. It is suggested that the Chief Librarian's present office might become the Benchers Robing Room, thus permitting the present Benchers Library to be restored to its original condition without lockers.

The Society will acquire a number of rooms on the main floor, including the offices used by the Registrar of the Supreme Court and the old Central Office, except one small corner of it. The profession generally will not use these rooms which will be devoted to library, although reading tables will be provided.

Your Committee recommends approval of Plan 7009, drawings 1, 2, 3 and 4 which have previously received the approval of the Libraries and Reporting Committee. The cost of the renovations shown in the Plan total between $60,000 and $70,000.

Your Committee considered, but did not approve, arrangements set out in paragraph D of Mr. Heeney's letter of December 2, 1970.

Mr. Heeney had advised the Society in that paragraph that if it wishes, he could make arrangements for a number of services, including a central clock system and telephone switchboard to be linked centrally to the Government systems. Your Committee could see no advantage in such arrangements and generally prefers to maintain the Society's separate services unless there is some advantage in doing otherwise.

The basement rooms which will be used for book storage are not presently included in the Government's plan for air-conditioning. Your Committee has asked Mr. Heeney to ascertain the cost of having the air-conditioning extend to them.

Air-conditioning the Great Library

Mr. Heeney told the Committee that the cold air ducts proposed by the Government would result in the chilled air blowing across the Library at approximately shoulder or head level which he considered most undesirable. Your Committee has authorized Mr. Heeney to pursue vigorously the correct arrangement of ducts and outlets so that the cold air does not blow across the Great Library.

THE REPORT WAS ADOPTED.

REPORT ON COMPUTER RESEARCH

Queen's University

Mr. Steele presented the Report:

At the Special Convocation on 14th December, 1970, the Treasurer advised that correspondence had been received from Dr. John J. Deutsch, the Principal and Vice-Chancellor of Queen's University, inviting the Benchers of the Law Society to attend Queen's University for a demonstration of their research into the use of the computer for the storage and retrieval of legal information. Dr. Deutsch also advised in his correspondence that he would like to discuss with the Benchers the possibility of a joint approach by the Law Society and Queen's University to the Ontario Government for support for legal computing.

Convocation accepted this invitation to witness the demonstration and appointed Messrs. Beament and Steele to attend and report back. The demonstration took place on Monday, 8th February, 1971. In addition to Messrs. Beament and Steele, the following persons also attended: The Treasurer, Mr. Arthur Martin; Mr. R. W. Cass; Mr. Gordon F. Henderson (Mr. Henderson attended in two capacities — as a Bencher and also as Chairman of a Special Committee of the Canadian Bar Association on Jurimetrics); Mr. Derek Guthrie representing the Conference of Governing Bodies; and Miss R. McCormick, the Chief Librarian of the Great Library at Osgoode Hall. From Queen's University, the following were present; Dr. John J. Deutsch, Principal and Vice-Chancellor of the University; D. A. Soberman, Dean of the Faculty of Law at the University; W. R. Lederman, Q.C., Professor with the Faculty of Law and former Dean of the Law School at the University; Professor Hugh Lawford, Director of the computer project together with members of the project's staff which included Professor Keith Latta and Professor Richard von Briesen. The following is a report of the demonstration and discussion.

Professor Lawford advised that to date his staff has converted or will shortly have converted to machine readable form the full text of the following material: The Supreme Court Reports from 1923 to 1970 inclusive; a portion of the Exchequer Court Reports over an eight-year period; the Federal Statutory Orders and Regulations in both English and French; the last seven years of the Canadian Criminal Cases; the 1960 and 1970 consolidations of the Statutes of British Columbia; the Ontario Reports from 1963 to 1970; and bibliographic records of about 10,000 Commonwealth Treaties. The Supreme Court Reports and the Federal Regulations and Orders are being done on contract for the Federal Government.

Queen's has been experimenting with various kinds of terminals for retrieving this information from the computer. The Benchers saw these terminals in operation and themselves operated one called the cathode ray tube terminal. This terminal looks like a T.V. set with a keyboard in front. The operator types out the information he wants and the full text of this material appears within several seconds on the screen.

Queen's has received financial support from the Federal Government and a number of private interests but has provided a substantial part of the funds itself.

Another computer project in Canada is being carried on by the University of Montreal and is called DATUM. This project has reduced to machine readable form the full text of several series of Quebec cases. The Queen's project and the DATUM project are not connected in any way but collaborate with each other from time to time and exchange information. The DATUM project has received substantial sums of money from the Quebec Government in addition to grants from the Federal Government. Another project is the one being carried on in London, Ontario, by the Educational Research Foundation of Middlesex. This project has computerized all of the educational statutes of Ontario. The University of Ottawa is developing a bilingual legal dictionary with the help of a computer and the Governments of Quebec (Laval University), Manitoba, Ontario and Canada have converted or soon will have converted their respective statutes into machine readable form. In addition, the Ontario Government has developed a computerized system for the registration of documents concerning personal property security. This system began filing information as of 1st January, 1971, and it is expected that persons will be able to retrieve information from it by July, 1972.

Although there are still problems to overcome, Queen's feels that its research has developed to the point where practising lawyers and others conceivably could take advantage of it. To determine this, Queen's proposes a test project to last about half a year and which would involve the installation of a small number of terminals across Canada connected with one central computer probably at the University of Ottawa. The terminals would probably be installed in several law schools and the offices of a number of practising lawyers in a city in Ontario.

Queen's feels that a central agency should be established which would be responsible for co-ordinating research and administering legal computing on a broad basis. Queen's is not prepared to embark on any kind of a commercial venture of its own or subsidize any other project carried on by commercial interests. They are prepared to co-operate fully with a central agency whether it be Government, a commercial entity or otherwise and feel the legal profession should have an interest in determining who the agency should be.

Queen's feels that it should be brought to the attention of Government that the legal profession is interested in computer research continuing and wishes the support of the Law Society in any application made by Queen's University to the Ontario Government for support for legal computing.

All of which is respectfully submitted.

"G. E. BEAMENT"
"RALPH D. STEELE".

The matter will be considered further by the Planning Committee.

Convocation expressed the view that the Society must keep abreast of developments in computer research in the retrieval of legal information and that the Legal Profession, as the largest potential user of computer retrieval of legal data, had an important role to play in determining the appropriate agency which should be responsible for making the results of research in this field available on a broad basis.

Convocation authorized the Treasurer to write to Dr. Deutsch informing him that when Queen's University applied to the Ontario Government for financial support for the computer research programme of the Queen's Law Faculty the Society would make known to the Government its views that the programme merited support. *Received*

RE: BENCHERS ELECTION

Moved by Mr. Sheard, seconded by Mr. Robins, that Convocation approves the use by the Scrutineers of a mechanical or electronic device provided by Univac Services Division of Sperry-Rand of Canada Limited for the purpose of counting the votes cast in the 1971 election of Benchers. *Carried*

CONVOCATION THEN ROSE.

The Treasurer and Benchers entertained at luncheon the Honourable Dalton Courtwright Wells, Chief Justice of the High Court of Justice for Ontario, and presented to him an inscribed silver salver to recognize the occasion of his having completed 25 years of distinguished service as a Judge of The Supreme Court of Ontario.

Read in Convocation and confirmed this 19th day of March, 1971.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF CONVOCATION

Friday, March 19, 1971
10 a.m.

PRESENT:

The Treasurer (Mr. G. Arthur Martin, Q.C.), and Messrs. Beament, Bowlby, Callon, Cass, Chappell, Estey, Fennell, Finlayson, Ford, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Levinter, Lochead, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Raney, Robins, Seymour, Sheard, Slemin, Steele, Strauss, Thom and R. F. Wilson.

The Minutes of Convocation of February 19, 1971, were read and confirmed.

COMMITTEE MEMBERSHIP — *Special Committee on Planning*

Moved by Mr. Robins, seconded by Mr. Finlayson, that Gordon F. Henderson, Q.C., be added to the Special Committee on Planning. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Robins

Your Committee met on Thursday, the 11th day of March, 1971, at 3:00 p.m., the following members being present: Mr. Robins (Chairman), Mr. Gray (Vice-Chairman), and Messrs. Callon, Cass, Estey, MacKinnon, Sheard, Slemin and Thom.

DIRECTOR'S REPORT

The Director submits the following report:

Closed-Circuit Television: Although there is still work to be done, the permanent system was successfully used last weekend to relay the Special Lecture Series from the lower to the upper classroom. The system even on a partially complete basis appears to function well, and will see a great deal of use both in our Course and our Continuing Education Programmes. All equipment except for five monitors and the audio-mixer will be installed by Friday, the 12th of March. Placement of the latter items will be completed by Friday, the 19th of March, and acceptance tests will be conducted the following week.

H. G. Fox Education Fund: I am pleased to report that Mr. P. B. C. Pepper, Q.C., advises that a meeting of the Directors of this Fund resolved that the interest on $5,000 be accumulated and paid yearly to the Law Society Foundation for the purposes of bursaries for students registered in the Bar Admission Course. The Fund bears interest at 7½% which generates $360 per year.

Changes in the Bar Admission Course: We are reviewing the whole of the Course in light of the experience gained in the past year with a view to possible changes which might be recommended. For instance, I am actively considering with some of the Members of the Faculty the possibility of introducing a new course on Income Tax. Other suggestions for new courses or changes in present course content will be considered as well as improved methods of presentation. I expect to report on this review and make recommendations to the June Meeting of this Committee.

Articling: A meeting of interested practitioners and management personnel representative of large and small firms in Toronto and other centres is being called by the Director for the afternoon of Tuesday, the 6th of April. The purpose of the meeting is to consider in a preliminary way the continued feasibility of the articling system in view of the expanding Bar Admission enrolment. It is thought that this group might organize a brief to be presented to the MacKinnon Committee.

Sale of Materials: Mr. H. Purdy Crawford, Q.C., was requested to furnish an opinion on whether our sale of student and continuing education materials is in contravention of any business regulation, particularly any regulation relating to sales and income tax. The Committee will be pleased to know that in his opinion no such contravention is occurring. We will now take steps to ensure that material of high quality and of general usefulness to the profession is made easily available.

Copyright: The material should be endorsed with our claim to copyright. We have been furnished with an opinion from Mr. David M. Rogers who suggests that a notice be placed on the first or second page of each volume where it would be clearly visible.

In line with Mr. Roger's advice, I recommend the following form of notice:

"COPYRIGHT © 1971 The Law Society of Upper Canada
ANY UNAUTHORIZED REPRODUCTION IS PROHIBITED"

Continuing Education Brochure: In order to compare costs and acquire better control over deadlines, we experimented with the printing of the forthcoming brochure by doing part of it in our Department. The type-setting was jobbed out to National Offset Plate Co. Ltd., the running and collating was done by our Printing Department, and the stitching, trimming and mailing is presently being processed by General Printers Limited.

Placement Service: Originally thirty-eight positions were available in Toronto this year. Many of these positions have been filled. There are now only eleven positions which have not been filled. Originally fifty-three positions were available out of town this year. There are now only twenty positions which have not been filled.

To our knowledge there are fifty students about to be called who definitely do not have permanent positions to go to. There may be as many as 127 students in this category since 77 students have applied for positions at one time or another but have not been active with our Service recently. We do not know whether or not their applications have been successful.

Continuing Education Programme on Reading and Understanding Financial Statements: This programme will be repeated on April 3rd and the 15th of April. Each of these dates is fully subscribed to our maximum of fifty (fifty-one actual registrations in each). This will give us five presentations of this programme: two originally announced and three repeat programmes.

Continuing Education Programme on Developing and Using Law Libraries: This programme was conducted on Saturday, the 25th of February, under the Chairmanship of Miss Rosemary McCormick. There was a registration of eighty-six and of these sixty-six attended. The programme received widespread attention and included a delegate from Vancouver. Miss McCormick and her staff produced a book of 308 pages which is a valuable product of the programme and should have further distribution. The event was undoubtedly successful and should be organized again for next year.

Continuing Education Programme of Special Lectures: The registration for this programme now totals 569. It is on Administrative Practice and Procedure and continues this Friday and Saturday from last week-end.

On the 8th of March the Assistant to the Director and I met with Mr. J. P. Renouf, President of Richard DeBoo Limited and Mr. John Page, one of his assistants, to discuss the format for this year's book. During the discussion, we raised the possibility of the practical necessity of abandoning this series in lieu of developing several programmes through our sections in the Bar Admission Course. These publishers are interested in further discussions about how that Company might participate in the distribution of materials.

Continuing Education Spring Programme: A brochure inviting registrations for the April and May programme will be mailed to the profession on Friday, the 12th of March. The programmes which will be open to registration are:

The Law of Industrial and Intellectual Property (April 2nd)
Estate Planning and Administration (April 22nd to 24th)
Solicitor and Client Costs (April 30th)
Civil Litigation (May 6th to 8th)

The registration fee for the one-day programme is to be continued at $25 and the fee for the three-day programme has been fixed at $75.

Call Ceremonies: The Special Convocation for call to the bar of the graduating class of the Bar Admission Course will take place at the O'Keefe Centre on Friday, the 26th of March, 1971, at 2:00 p.m.

The Honourable Mr. Justice Laskin will be presented with the degree of LL.D. *honoris causa* and will address the graduates after they have been called. The ceremonies will be followed by a reception given by the Law Society in the Coffee Lounge.

Your Committee met on Friday, the 19th day of March, 1970, at 9:45 a.m., the following members being present: Mr. S. L. Robins, Chairman, and Messrs. Finlayson, MacKinnon, Sheard and Slemin.

HONORARY DEGREE

It is proposed that an honorary degree of Doctor of Laws *honoris causa* be conferred upon the Honourable Mr. Justice Bora Laskin.

Your Committee recommends that this be approved.

EXAMINATION RESULTS — TWELFTH BAR ADMISSION COURSE

The Report of the Director of the Bar Admission Course on the results of the examinations is before the Committee, showing that 17 have passed with Honours, another 438 have passed and 16 have failed.

HONOURS

The following students are entitled to be passed with Honours:

1. Alan Morton Minsky
2. Donald Victor Harold Vale
3. John David Nichols
4. Laurence Charles Caroe
5. Ronald Flannagan
6. Gordon Irwin Kirke
7. Sandra Jean Hassenfeldt
8. Jim Vincent Norman Bubba
9. Joel Alan Organek
10. Hugh Wayne Snyder
11. Larry Thomas Beare
12. Robert Douglas Wilson
13. Douglas Sydney Ewens
14. Howard Jerrold Alpert
15. Bernard Aron
16. Clifford Stanley Goldfarb
17. Vernon Isadore Balaban

AWARDS

The following students are entitled to prizes:

The Treasurer's Medal	
Alan Morton Minsky	
Donald Victor Harold Vale	
The Roland O. Daly Scholarship	
Alan Morton Minsky	$250
Donald Victor Harold Vale	$250
The Law Society First Prize — $300	
Alan Morton Minsky	$150
Donald Victor Harold Vale	$150
The Law Society Second Prize — $200	
John David Nichols	
The Law Society Third Prize — $150	
Laurence Charles Caroe	$50
Ronald Flannagan	$50
Gordon Irwin Kirke	$50
The Lawyers Club First Prize	
Alan Morton Minsky	$150
Donald Victor Harold Vale	$150
The Lawyers Club Second Prize — $100	
John David Nichols	

The Criminal Procedure Prize — Textbook and Balance of Trust Income — donated by Joseph Sedgwick, Esq., Q.C.
Donald Victor Harold Vale

The Commercial Law and Company Law Prize — $250 donated by Messrs. Day, Wilson, Campbell
David Coleman Nathanson

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning — First Prize
Allan Goldman

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning — Second Prize
Sandra Jean Hassenfeldt
Barbara Joan Reed

The Arthur Wentworth Roebuck Award for Family Law
Bernard Aron
Michael Allen Siegal

The International Academy of Trial Lawyers Prize for Civil Procedure
Clifford Stanley Goldfarb *Approved*

THE REPORTS WERE ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 11th day of March, 1971, at 2:00 p.m., the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Callon, Estey, Lochead, MacKinnon, Pattillo, Robins, Sheard and Slemin.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

John Llewelyn Jones Edwards — Special — Faculty of Law, University of Toronto. Fee $200. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidate who has complied with the relevant regulations, paid the required admission fee of $101 and filed the necessary papers, applies for admission to the Law Society as a student-at-law in the Bar Admission Course, as of September 1, 1971:

Under Transfer Regulation No. 8

1. CHANNER, Arthur Henry — England. *Approved*

DIRECT TRANSFER

Robert Brennan Macauley (B.C.L. New Brunswick 1949; Bachelor of Social Work, McGill 1951) was called to the Bar and admitted as a solicitor in New Brunswick in May 1949. He was employed full time with the Juvenile Court of the City of Saint John in probation services and as a Deputy Judge until 1960 when he was appointed a Provincial Judge. He continued in all these capacities until July 1967 when he transferred to the Crown Prosecutors' Branch where he practised full time before the Courts until accepting his present position in Ontario. He is presently employed by the Federal Government as a Pensions Advocate. Mr. Macauley seeks to proceed under Regulation 4(1). *Approved*

Alfred Henry Eberhard Popp (B.A. University of Grahamstown, South Africa, 1961; LL.B. Grahamstown 1963.) Mr. Popp was admitted to the Bar of the Supreme Court of British Columbia in January 1968, and practised in Vancouver until March 1970 when he joined the Department of Justice of the Federal Government. He seeks to proceed under Regulations 4(1) and 4(4). *Approved*

UNITED KINGDOM SOLICITORS

Robin A. S. Corner seeks to proceed under Regulation 5(1) subject to presenting a current Practising Certificate from the Law Society of England.

APPROVED, subject to filing with the Society a current Practising Certificate as a United Kingdom solicitor.

David Clive Elliott seeks to proceed under Regulation 5(1) subject to presenting a current Practising Certificate from the Law Society of England.

APPROVED subject to filing with the Society a current Practising Certificate as a United Kingdom solicitor.

DIRECT TRANSFER FROM QUEBEC

Gerald J. Rip was called to the Bar of the Province of Quebec in June 1966, and has practised with the Department of Justice Tax Litigation Section since November 1, 1967. He presents a certificate of good standing and seeks to proceed under Regulations 4(3) and 4(4). *Approved*

COMMONWEALTH TRANSFER

Kali Charan Kapoor (LL.B. Panjab University, India, 1963) was admitted as Advocate of the Bar Council of Punjab February 1963. He has practised in India since 1963 and been a member of the Income Tax Bar Association for five years. He presents a certificate of good standing and conduct from that Association. Mr. Kapoor seeks to proceed under Regulation 7.

Approved

UNITED STATES OF AMERICA TRANSFER

James I. W. Corcoran (LL.B. Harvard University June 1966) was admitted by the Court in the State of Ohio as an attorney-at-law on the 19th of October 1966. He seeks to proceed under Regulation 8. The present Regulation requires five years of practice. The revised Regulation which has been approved by Convocation but as yet is not proclaimed in the Law Society Act, requires a total of three years of practice within the last five years. Mr. Corcoran will not have practised five years until the 19th of October 1971. Subject to passing the preliminary examination, he would like to enter the September 1971 Bar Admission Course and asks that consideration be given to excusing him from service under articles from the first of October 1971 to the 19th of October 1971.

Your Committee recommends that he be admitted to the Bar Admission Course on the 19th October 1971, and that he be advised he must be a Canadian citizen or other British subject before he can be called to the Bar in Ontario.

BAR ADMISSION COURSE

Sami N. Kerba obtained an LL.B. from Cairo University, U.A.R. in 1949 and practised law for fifteen years in Egypt before coming to Canada in 1964. In July 1966 he became employed as a full-time law clerk with a Toronto firm until enrolling in Osgoode Hall Law School in September 1967, and expects to enter the Bar Admission Course in September 1971. Mr. Kerba has worked part-time as a law clerk during his academic years, with the same firm, and asks that the last five years be considered as equivalent to being under articles commencing the 1st of September, 1970, to enable him to enter the teaching period of the Course in September 1971. Mr. Joseph W. McKenna, of the firm of Copeland, McKenna & Kennedy has written on Mr. Kerba's behalf.

Your Committee recommends he be advised he must complete the Bar Admission Course including the articling period.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 11th day of March, 1971, the following members being present: Mr. Sheard, Chairman, and Messrs. Callon, Fennell, Gray, Levinter, Pepper, Robins, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st day of February to the 28th February, 1971, accounts, including Library Accounts, properly approved, to the amount of $104,496.12 have been paid. *Approved*

FINANCIAL STATEMENT

—1st July 1970 to the 28th February 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1970 to the 28th February 1971. *Approved*

ERRORS AND OMISSIONS INSURANCE

Rule 49(1) — Life Members exemption from levy

Moved by Mr. Robins, seconded by Mr. Thom, that Rule 49(1) be amended to provide that Life Members not be exempted from payment of further levies in respect of the Society's Errors and Omissions Insurance plan. *Carried*

ROLLS AND RECORDS

The Secretary reports —

Deaths

That the following former members of the Law Society have died:

Samuel Rubinoff, Toronto	Called—20 September 1928; Deceased—2 October 1970.
Chas. H. Higgins, Hamilton (Hon. Life Member)	Called—18 November 1915; Deceased—15 December 1970.
Stanley M. Clark, Q.C. Ottawa (Hon. Life Mem.)	Called—23 November 1916; Deceased—6 January 1971.
Walter D. Smith, Q.C., London (Hon. Life Mem.)	Called—19 May 1921; Deceased—28 February 1971.
Snider, Hedley E., Hamilton (Hon. Life Member)	Called—19 May 1911; Deceased—February 1971.
R. Glenn Tait, Mimico	Called—20 October 1927; Deceased—26 February 1971.

Noted

Disbarments

That the following former members of the Law Society have been disbarred and struck off the rolls and their names have been removed from the rolls and records of the Law Society:

Yves Parisien, Ottawa — Called — 18th September 1959; Disbarred — Convocation, 19th February 1971.

David Leroy Bowman, Oshawa — Called — 20th September 1957; Disbarred — Convocation, 19th February 1971.

Noted

MEMBERSHIP UNDER RULE 50

Mr. Harold A. Sanders, Q.C., who is 65 years of age and fully retired since June 1, 1962, applies to be permitted to continue his membership in the Society under Rule 50, and has forwarded his cheque for $25, annual fee for 1970-71.

Approved

Mr. Douglas P. Robinson, Q.C., who is 65 years of age and fully retired since February 1, 1968, applies to be permitted to continue his membership in the Society under Rule 50 upon payment of an annual fee of $25.

Your Committee recommends that his application be approved, subject to his paying arrears of fees.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

Re: Cochrane Law Association

Mr. J. D. Bernstein, Secretary of the Cochrane Law Association, has presented a brief requesting a special grant to assist in building up the Timmins and Cochrane branches of Cochrane Law Association's Library. The Association has compiled a list of books required for each library amounting to the following:

Timmins	$2,584.20
Cochrane	753.20
	$3,337.40

Your Committee recommends that no special grant be made.

CHANGE OF NAME

JAMES DALGERANIS, a student in the Bar Admission Course, requests that his name be changed on the Rolls of the Law Society to JAMES DARIS. His petition and a copy of the Order of His Honour Judge McDonagh dated the 11th March, 1970, approving the change, are before the Committee. *Approved*

STAFF CHANGES

Auditor's Office

The Secretary recommends the appointment of *Thomas Raymond Stephany, C.A.*, to assist Mr. Anderson.

Mr. Stephany is a Chartered Accountant (1960) employed since May, 1969, with Seaway Multi-Corp. Limited, Toronto. His previous employers were — Ontario Hospital Services Commission, 1961-1962; General Motors of Canada as Senior Resident Internal Auditor, 1963-1967; Canadawide Parking Services Limited, Montreal, 1967-1969; Attended Institute of Chartered Accountants of Ontario course on EDP at York University, 1970. He would be available about May 15, 1971. *Approved*

MEMBERSHIP UNDER RULE 50

Mr. George Gordon Bryson, who is 65 years of age and fully retired since 30th November 1969, applies to be permitted to continue his membership in the Society under Rule 50 upon payment of an annual fee of $25. *Approved*

INSURANCE

The Report of the Sub-Committee on Insurance is before the Committee as follows:

Interim Report of the Sub-Committee (Finance) on Insurance to the Finance Committee

Your Sub-Committee consisting of Mr. Isadore Levinter, Q.C., Chairman, and Messrs. McLaughlin and Thom, met on three occasions. On two occasions Mr. Michael Scott of Corporate Risk Managers Ltd. was present, as was the Secretary of the Society.

Mr. Scott is an Insurance Consultant independent from any association with insurance companies as agent or broker, and was recommended to the Society to advise it with respect to its insurance coverage.

Mr. Scott has given the Society a report and letters dated the 13th September 1970 and the 13th October 1970 analyzing and summarizing the Society's coverage, and your Sub-Committee has considered them in detail.

It is your Sub-Committee's opinion that action should be taken on many of the recommendations Mr. Scott has put forward. Mr. Scott recommends that specifications of the type, amount, and terms of coverage which should be carried by the Society should be prepared and submitted to the industry for competitive quotations. Your Sub-Committee believes that substantial economies can be effected by proceeding in this way, and that the coverage carried by the Society would be improved.

Your Sub-Committee recommends that Corporate Risk Managers Ltd. be engaged at a cost not to exceed $1,500 to prepare such specifications, and to supervise the implementation of a programme of insurance thereunder; the services of the Company also to involve the preparation of an over-all audit report with respect to insurance coverage.

All of which is respectfully submitted.

Dated — March 11, 1971.

"I. Levinter"
Chairman.
Approved

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following functions:

Feb. 23—Mr. Harvey McCulloch, Q.C., requested permission to hold a meeting of Crown Attorneys in the Barristers' Lounge on Tuesday, February 23rd, at 4:45 p.m.

March 20—The Phi Delta Phi Legal Fraternity asks that the Barristers' Lounge and Convocation Hall be reserved for them for their annual banquet on Saturday evening, March 20th, 1971.

March 29, 30, 31—Mr. Leal, on behalf of the Ontario Law Reform Commission, requests permission to hold a public hearing in connection with its Project on the Administration of Ontario Courts, at Osgoode Hall, in the Main

Floor Lecture Room (Room 102, New Wing) on March 29, 30 and 31, 1971. *Approved*

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

General Report

Your Committee met on Thursday, March 11th, 1971, the following members being present: Mr. F. J. L. Evans, Chairman, Mr. B. J. MacKinnon, Vice-Chairman, and Messrs. Cass, Ford, Levinter, Lochead, McLaughlin, O'Driscoll, Pattillo, Pepper, Robins, Slemin, Steele, Strauss and Thom.

JUDGMENTS — CONDUCT UNBECOMING

Your Committee was asked to give consideration to the question of money judgments obtained against solicitors and whether this should be viewed as "conduct unbecoming" and, if so, how many such judgments a solicitor may have against him before it is so viewed. Your Committee directed that the matter be referred to the Professional Conduct Committee for its consideration.

THE REPORT WAS ADOPTED.

Annual Summary

During the year 1970 there were 924 matters dealt with by the Society.

The Discipline Committee held 109 half-day meetings, 18 of which were devoted entirely or in part to Compensation Fund matters. The eight Notices of Complaint which were pending at the end of 1969 were disposed of as follows:

3 — Disbarments
2 — Resignations
1 — Reprimand in Convocation
2 — Pending
8

During 1970, 54 members were served with Notices of Complaint or sworn complaints pursuant to The Law Society Act 1970. These were disposed of as follows:

10 — Disbarments
2 — Suspensions

8 — Reprimands in Convocation
20 — Reprimands in Committee
8 — Not established
6 — Pending
54

In addition:
10 — Members were invited to attend before the Committee;
1 — Student member was invited to attend at a Bencher's office to discuss a matter concerning him;
2 — Applications for reinstatement were granted.
13

Complaints considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Discipline Committee were dealt with as follows:

Explanation satisfactory and therefore concluded by the Society	750
Matters not within jurisdiction of the Society:	
(A) Taxation	59
(B) Question of law	40
	849

Of the above complaints, 47 were reviewed by a Bencher who is a member of the Discipline Committee.

Total Grants paid out of the Compensation Fund during 1970	$76,529.39
Counsel fees, reporters, transcripts, etc.	$11,834.56
Paid out of General Discipline:	
Investigation by Auditors	$16,421.31
Investigators	2,311.09
Counsel	23,663.34
Reporters	4,107.00
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)	3,165.06
Society's Auditor:	
Travelling Expenses	2,003.55
Salary	19,009.98

Assistant to Auditor:	
Travelling Expenses	453.09
Salary	9,950.04
Assistant to Auditor:	
Travelling Expenses	486.42
Salary	8,860.02
Office Help	9,588.06
Extra Help	773.81
	$100,792.77
Less: Discipline Costs Recovered	8,827.17
	$91,965.60

THE REPORT WAS RECEIVED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 11th day of March, 1971, at 9:00 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Evans, Ford, MacKinnon, Slemin and Strauss.

1. RULING 10 — SIGNS AND LETTERHEADS

There was placed before your Committee two letterheads with respect to which the Committee made a recommendation which was referred back to the Committee.

2. RULING 28 — SPLITTING FEES

Your Committee's attention has been drawn to the practice of 'fee splitting'. It is recommended that a Notice to the Profession be published in the *Ontario Reports*, setting out the provisions of Ruling 28 which reads as follows, and stating that any infraction of this Rule would be referred to the Discipline Committee.

Ruling 28

SPLITTING FEES

With Conveyancers, notaries public, students, clerks and others

Any arrangement whereby solicitors directly or indirectly share, split or divide fees with conveyancers, notaries public, students, clerks or other persons who bring or refer business to the solicitor's office is improper and constitutes professional misconduct. It is similarly improper for a solicitor to give any financial or other reward to such persons for referring business.

Thus an arrangement between a solicitor and a conveyancer to divide fees on application for Probate or Administration is improper whether both participate in the work involved or not.

Similarly, any arrangement whereby in return for a flat fee or for part of the fee charged a solicitor permits his name to be placed on such applications which have been prepared by the conveyancer is equally improper.

3. MISCELLANEOUS

A member of the profession asked the Society for a Ruling with respect to the operation by a law firm of what appeared to be a branch office. The Secretary enquired and was advised by the firm that the property in question was the property of a clerk employed by the law firm. The clerk arranges initial appointments between clients and members of the firm and following that the clerk works under the instructions of a lawyer in the firm with regard to work to be done in any particular file. This type of work involves title searching and closing. While the Clerk is a Commissioner for Oaths, he is not a Notary Public nor is there any indication that he has made an application to be so appointed. Certain members of the firm attend at this branch by appointment only, most attendances being made in the evenings and on the weekends. There is, however, no indication on the signs of the hours of the attending lawyers. There is a telephone receptionist at the office and the physical layout includes an interview room. All typing and secretarial work, however, is completed at the main office. The Secretary has been instructed to advise the firm that the Committee does not consider this to be a branch office and that there should be no sign on the house.

4. REPORT OF SUB-COMMITTEE ON PROBLEMS IN CRIMINAL LAW

At its September, 1970, meeting, Convocation approved the appointment of a Sub-Committee to consider problems in criminal law, composed of Mr. Arthur Maloney as Chairman, and Messrs. Bowlby, Dubin, O'Driscoll, Robinette, Sedgwick and Strauss. The Sub-Committee reported its first "request for guidance" in January, 1971.

A further matter has now been considered by the Sub-Committee. This matter was originally considered by the Legal Aid Programme Committee who approved a Memorandum for circulation to the lawyers on the Legal Aid panels. Because of its importance for the criminal bar in general, the Memorandum was then referred to your Committee's Sub-Committee for consideration. The Memorandum was adopted by the Sub-Committee who recommended that it be published in the *Ontario Reports* for the edification of the profession. Your Committee concurs in this recommendation. The Memorandum in question follows.

MEMORANDUM WITH RESPECT TO THE DUTY OF COUNSEL IN ADVISING OR REPRESENTING A CLIENT IN RELATION TO THE ENTERING OF A PLEA TO A CHARGE

1. An accused should personally plead to the charge rather than through his Counsel in order to avoid a subsequent dispute with respect to the instructions given by the accused to his Counsel.

2. Counsel cannot enter a plea of guilty for the accused which is contrary to the true fact. Where the accused denies the commission of the act or omission necessary to constitute guilt on the charge but, nevertheless, wishes to plead guilty in the expectation of thereby receiving a lighter sentence, or in order to avoid publicity, to protect another person, or for other reasons it is the duty of Counsel to advise the client against entering a plea of guilty. If the advice of Counsel is rejected Counsel is justified in withdrawing from the case in accordance with the procedures contained in the Notice to the Profession issued by the Law Society relating to the withdrawal by Counsel from a Criminal Case.

If Counsel continues to represent the accused in such circumstances Counsel must not make any representation to the Court which is contrary to the information received from the Client.

Whether Counsel withdraws or continues to represent the accused it is the duty of Counsel to avoid disclosing information which he has received arising out of the Solicitor and client relationship.

3. Where the accused admits the commission of the act, to having the mental element requisite to constitute the offence, and expresses an intention to plead guilty, it is the duty of Counsel to advise the accused with respect to his legal right to require the Prosecution to prove its case. If Counsel is of the opinion that the evidence is insufficient to establish guilt, for example, where there is no corroboration in a case in which corroboration is required by law it is the duty of

Counsel to advise the client of Counsel's opinion with respect to the insufficiency of the evidence since an accused is entitled as a matter of law to be acquitted of any charge which the evidence does not establish he committed.

In such circumstances, however, if the accused, having been fully advised, nonetheless, wishes to plead guilty the decision with respect to the plea rests entirely with the accused.

4. Where the accused admits the commission of the act and having the state of mind constituting the offence and there is adequate evidence to support the charge and no valid defence exists Counsel is not justified in urging the accused to plead not guilty if he wishes to plead guilty.

5. Where the accused admits the commission of the act constituting the offence and that he had the mental element requisite for guilt but wishes to plead not guilty Counsel is under a duty, after making appropriate investigation, to advise the accused as to the probable outcome of the case on a plea of not guilty and to advise the accused to enter a plea of guilty, where Counsel considers that a plea of guilty is in the best interests of the accused. The decision to plead guilty must, however, be made by the accused, and it must be a decision freely made.

6. Where an accused admits facts to Counsel which constitute guilt, but nevertheless, expresses an intention to plead not guilty it is also the duty of Counsel to inform the accused of the limitations which the admission imposes on Counsel with respect to the conduct of the case.

7. The above is subject to the provisions of section 515 of the Criminal Code which precludes the acceptance of a plea of guilty on a capital charge.

Moved by Mr. Ford, seconded by Mr. O'Brien, that paragraph 1 of the Report be referred back to the Committee.

Carried

THE REPORT AS AMENDED WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 11th day of March, 1971, the following members being present: Messrs. Steele (Chairman), Ford, Strauss, O'Driscoll, Cassels and Lochead, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 28th February, 1971, are approved as follows:

Great Library

	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	22,245.88	71,042.47	774.65

Special Account

Estimates	23,472.52
Expenditures	872.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	18,000.00	10,500.00
Expenditures	9,535.31	4,119.14

GIFTS AND DONATIONS

Miss Margaret N. Archibald, B.A., Barrister and Solicitor, Dresden, Ontario, has donated a total of 43 volumes of statutes and texts to the Great Library.

CONTINUING EDUCATION ONE-DAY PROGRAMME — DEVELOPING AND USING LAW LIBRARIES

On 27th February, 1971, the Chief Librarian acted as Chairman of a One-Day Programme on "Developing and Using Law Libraries". This Programme was part of the Programme for the Continuing Education of the Bar under the Directorship of James C. MacDonald. Two lawyers and four librarians from local law firms assisted in the Programme and the Great Library Staff researched and prepared material for it. The Programme was well attended.

AMERICAN ASSOCIATION OF LAW LIBRARIES

The annual convention of the American Association of Law Libraries takes place in Coral Gables, Florida, June 13th to June 17th, 1971. Your Committee recommends that the Chief Librarian and an Assistant Librarian attend this convention.

CANADIAN ASSOCIATION OF LAW LIBRARIES

The annual convention of the Canadian Association of Law Libraries takes place in Windsor, Ontario, May 18th to 19th, 1971. Your Committee recommends that the Chief Librarian and an Assistant Librarian attend this convention.

BOOK LIST

A list of books for purchase by the Great Library was approved.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amounts which each would receive under the Rules for the year 1971 are as follows:

	1970	*1971*
Carleton	$2,000.00	$2,000.00
Halton	2,000.00	2,000.00
Huron	760.00	830.00
Kent	2,000.00	2,000.00
Frontenac	2,000.00	2,000.00
Northumberland & Durham	1,460.00	1,425.00
Peterborough	1,675.00	1,800.00
Simcoe	2,000.00	2,000.00
Temiskaming	750.00	750.00
Wellington	2,000.00	2,000.00

Approved

So far, twenty County and District Law Associations have submitted annual returns; a higher percentage than in 1970 at this time.

COCHRANE LAW ASSOCIATION

A letter from Mr. J. D. Bernstein, Secretary of the Cochrane Law Association, requesting a Special Grant under Section 35 of the Society's Regulations, was before your Committee.

This Association supports two libraries, one at Cochrane and another at Timmins. A grant in the amount of $3,337.40 was requested to purchase Reports and text books for the two libraries — $753.20 for the Cochrane library and $2,584.20 for the Timmins branch library. A list of the books required was before your Committee.

This Association was incorporated in 1926. The branch library at Timmins was established in 1964 because a majority of the Association's members were located there and a number of Court Sittings were held there. A grant of $300 was made to the Association in 1964 and a loan of $2,000 was made by the Society in 1969. Both these amounts were used to purchase books for the Timmins branch. In 1970 the annual grant was $1,425 made up of $950 for the Cochrane library and $475 for the Timmins branch.

The Chief Librarian inspected both libraries in 1970 and is of the opinion that the libraries at both Cochrane and Timmins should be expanded if they are to serve their purpose.

The letter from Mr. Bernstein showed that out of a total membership of twenty-two, there are only two members of the Association located in Cochrane, one of whom is the District Judge. Sixteen members are located in Timmins and four in Kapuskasing. Your Committee feels that in view of the use made of the library in Cochrane, the Association's request for money to support two libraries is unrealistic. Your Committee therefore recommends that the request for a Special Grant be refused and that the Association's application be referred back to them for further consideration.

REPORTING

REQUEST FROM QUEEN'S UNIVERSITY RE PERMISSION TO INSERT THE ONTARIO REPORTS INTO ITS COMPUTER

Convocation in November, 1970, approved a recommendation of this Committee that Queen's University be permitted to use the *Ontario Reports* in its research of the computer on terms set out in a contract between the Law Society and Queen's University which was before Convocation at that time. Queen's University subsequently objected to certain of the terms in this contract and on the advice of Counsel for the Society, further changes have now been made. A contract embodying these further changes is before Convocation for its approval. Your Committee recommends that Queen's University be permitted to use the *Ontario Reports* in its research of the computer on the terms set out in the contract.

FEDERAL COURT OF CANADA REPORTS

A letter from the Department of Justice for Canada was before your Committee enquiring as to whether the Law Society wishes to enter into a contract to purchase for the Society's membership the Federal Court of Canada Reports (formerly called the Exchequer Court Reports). The contract for 1971 would be at a cost of $4 per member.

Your Committee recommends that the Society not enter into such a contract. At an earlier date (November 1970) Convocation decided against entering into a contract to purchase the Supreme Court of Canada Reports for the Society's members.

ONTARIO REPORTS — FREE LIST

Your Committee recommends that the names of Honorary Benchers who are members or former members of this Law

Society be added to the list of persons who receive the *Ontario Reports* at the Society's expense.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th day of March, 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Fennell, Lochead and Steele.

A transaction involving a notary public acting on someone's behalf was referred to Counsel for investigation and with authority to prosecute if he deems it advisable.

THE REPORT WAS RECEIVED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

JOHN LLEWELYN JONES EDWARDS — of Toronto in the County of York, Faculty of Law, University of Toronto (Middle Temple).

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on the 11th day of March, 1971, the following members being present: Mr. O'Driscoll, Vice-Chairman, and Messrs. Lochead and Pattillo.

HISTORY OF THE LAW SOCIETY — *Brian Bucknall*

In September, 1970, Convocation accepted the Committee's recommendation that Mr. Bucknall be advised that the matter of his writing a history of the Law Society be considered further on the basis that the content of the proposed book be acceptable to both parties and that the Society's records would be adequately protected. The Chairman reported in January, 1971, that he had discussed the matter with Mr. Bucknall who would submit a memorandum suggesting how the subject could be pursued within the terms the Society stipulated. A memorandum from Mr. Bucknall was before the Committee.

Your Committee recommends that Mr. Bucknall be advised that the proposal he has submitted cannot be accepted.

CANADIAN BAR ASSOCIATION PUBLIC RELATIONS

—Mr. Clyde Batten

Mr. Clyde Batten of Cadmus Associates Limited has been retained as Director of Communications by the Canadian Bar Association. The Society is asked to contribute $4,000 to the Canadian Bar Association Public Relations project and a memorandum from Mr. Batten is before the Committee, as well as a report dealing with the same matter which was made by W. H. Hurlbut to the Conference of the Governing Bodies in February. These describe how the Society might benefit from participation in the project.

Your Committee recommends that the Society agree to participate in the scheme proposed by Mr. Batten on the 17th of October, 1970, and that the $4,000 be paid in two instalments provided that all regions of Canada also participate.

Moved by Mr. Levinter, seconded by Mr. Ford, that the section of the Report with respect to the Canadian Bar Association Public Relations Project be referred back so that more information can be provided to Convocation. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 10th day of March, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Levinter, Lochead, O'Driscoll, Poole and Robins.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of January, 1971.

For the 10-month period ended January 31, 1971, the Legal Aid Fund expended a total of $8,290,681 and in the same period recovered from clients both by way of contribution and awards a total of $501,652. The total net expenditure for the 10-month period is therefore $7,789.029. This net expenditure almost exhausts the original estimate of $8,160,000 approved by the Treasury Board.

For the remaining two months of the current fiscal year the Treasury Board has now approved the expenditure of further funds totalling $2,061,600.

Controller's Report

(a) The Controller submitted a Summary of Applications for the 10 months ended January 31st, 1971.

For the 10-month period ended January 31st, 1971, the percentage increase in legal aid activity when compared with the corresponding 10-month period last year is as follows:

informal applications	+20%
Forms 2 received	+29.7%
certificates issued	+33%
persons assisted by duty counsel	+12.5%

While there is no decline in the number of persons seeking legal assistance under the Plan, it appears however, that the rate of increase has slowed down.

Legal Accounts Officer's Report

(a) The Controller submitted a report on the activity of the Legal Accounts Department for three months ended February, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of February, 1971.

(c) At the February, 1971, meeting, the Committee reviewed correspondence from a solicitor with respect to the certification of his accounts. The Committee instructed the Legal Accounts Officer to prepare a survey of the solicitor's accounts, with particular reference to instances where another solicitor in his office had performed services for him under a certificate.

After reviewing the survey prepared by the Legal Accounts Officer, your Committee moved that the Director advise the solicitor that the committee had caused an investigation to be made of his accounts; that the committee will require an explanation from him which will indicate whether he or another solicitor performed the services which he certified he himself had performed.

Assignments and Directions

At its January meeting, the Committee considered a memorandum from the Controller with respect to a Direction received from a solicitor to assign his legal aid accounts to the Bank of Montreal.

The Committee reviewed the problem and instructed the Director to place this matter on the February agenda for further consideration. The Controller was asked to submit statistics on the number of solicitors who had, in fact, requested him to assign their legal aid accounts to a banking institution.

It was disclosed that five lawyers have made such a request. The Committee was of the opinion that four of the solicitors were in breach of Section 23(a) of the Legal Aid Act and Section 138 of the Regulation in that the assignee was in possession of schedules of legal aid accounts giving the clients' names and addresses which contravenes the non-disclosure of information as set forth in the above-noted sections.

The Director was instructed to write the solicitors for comment.

The Committee reviewed correspondence from the four solicitors who indicated that they had given names of clients but had not given the clients' addresses when assigning accounts.

The Director was instructed to write the solicitors advising them that they are in violation of the Act and Regulation by disclosing names of clients when assigning legal aid accounts and that this must not again occur. The Committee's recommendation does not imply that it condones the assignment of legal aid accounts and has requested the Sub-Committee on Amendments to consider appropriate amendments.

STUDENT LEGAL AID SOCIETIES

The Committee considered requests from the University of Windsor and Queen's University to employ students for the continuation of the Student Legal Aid programme during the summer months.

L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies is to review this matter and is to report back.

PART VII OF THE REGULATION — PAYMENT OF COSTS

The Committee considered two applications for payment of costs under Part VII of the Regulation and refused the applications.

AREA DIRECTORS' MEETING

An Area Directors' Meeting will be held at Osgoode Hall on Thursday, March 25th and Friday, March 26th, 1971.

STUDENT LEGAL AID SOCIETIES
MEETING WITH ADMINISTRATORS

A meeting with representatives from Queen's University, University of Western Ontario, Osgoode Hall Law School, York University, University of Toronto, University of Windsor and the University of Ottawa has been arranged for Saturday, March 27th next in the Provincial Director's office.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the County of Middlesex.

Middlesex

A. J. Baker, Q.C., London
J. G. Harding, Solicitor, London
Mrs. Stephanie Goble, London Labour Council
Hume Cronyn, London Chamber of Commerce

The following resignations were noted:

Middlesex County

O. J. R. Smith, Prof. E. F. Ryan, Prof. C. G. Morley

Muskoka District

E. P. Lee, Q.C., G. H. Aiken, Q.C.

Frontenac County

J. M. Hickey

THE REPORT WAS ADOPTED.

BUILDING COMMITTEE—The Treasurer

Your Committee met on Monday, the 1st March, 1971, the following members being present: Mr. G. A. Martin (Chairman), and Messrs. Sheard and R. F. Wilson.

Mr. Arthur Heeney attended at the Chairman's request.

Mr. Heeney's letter of the 25th February, 1971, was before the Committee including an estimate of the cost of the work involved to prepare the basement rooms in the centre and west wings of Osgoode Hall for use as library storage rooms.

Your Committee recommends that the following items be approved:

(For reference purposes, the numbers refer to the paragraphs in Mr. Heeney's letter.)

2. *Basement*

A. *Removal of existing vaulted ceilings, etc.*

(i) The low vaulted ceilings can be removed in four of the rooms originally designed for use as prison cells. One room will be used to house the elevator machinery, the other three for library storage purposes. The existing structure does not permit making any changes to the remaining cells, rooms RO 69 and RO 70.

	Total area covered, 1,180 sq. ft.		
	Cost of reframing the ceiling	$6,482	
	Cost of refinishing the rooms	3,402	
(ii)	Cost of changes in duct work, etc. as presently planned	850	$10,732

B. *Rooms 061A, 063, 064*

(i) To refurbish these rooms using RO 65 as a guide. This work includes replacing all the existing concrete floors which are very thin, damp and badly cracked. A new four-inch concrete slab with proper waterproofing will be laid to form the floors.

(ii) The existing sink and cupboards now in use on the third floor, west wing, will be moved to the basement work room. A drain, suitable for this sink, has been located.

The estimated cost of (i) and (ii) is $6,368

C. *Rooms 060A, R068, R069, R070, R070A*

Improvements to the main corridor to the centre wing and cutting certain openings shown on my drawings. The estimated cost of this work 392

F. *Air conditioning all basement rooms now occupied by, or to be occupied by, the Law Society of Upper Canada*

The system of ventilation presently planned for the centre wing rooms is a recirculation of return air from the main floor of Osgoode Hall, picking up the air at the main lobby. Three rooms in the west wing pick up air from other ducts supplying air to the upper floors.

The proposal submitted by Page & Steele states a fully air conditioned system could be installed, using a separate unit, at a cost of $12,000. 12,000

3. *Second Floor*

Librarians Offices and new Reading Rooms

This work covers structural changes and partitions, etc., to be constructed and finished by the Department of Public Works 8,112

4. *General Electrical*

(i)

(ii) This work covers the installation of the necessary electrical outlets for the offices in the west side of the second floor and general upgrading of the lighting in all rooms being used for library purposes 5,500

With respect to items 2.D and 2.E in Mr. Heeney's letter, your Committee recommends that approval of them be postponed for the present, and that they be considered at a later time. These items are:

2. D. *Rooms 071, 076, 077, 078, 079,080, 086 and 098*

All centre and east wing rooms to be occupied by the Law Society

All rooms to be refurbished as set out under item B.(i), except for new vinyl flooring, which can be laid when required.

Present plans do not call for the immediate use of these rooms. However, it is anticipated some of them will be used by the Library, for storage purposes, at a later date.

When refurbished, these rooms will make excellent space for any purpose, including offices.

Total floor space available, 2,600 sq. ft.

Estimated cost $10,675

E. *Modernizing the lighting in the basement rooms*

This estimate is still under review. It goes beyond your needs. I anticipate the cost of this work will not exceed the allowance I have carried in my estimate of January 20th, 1971, which is part of the $70,000 already authorized.

GENERAL MAINTENANCE

(1) Your Committee has asked Mr. Heeney to estimate the

cost of painting the Great Library and the large west wing room of the library.

(2) Mr. Heeney has been asked to estimate the cost of moving the Benchers lockers from the present Benchers Library into the rooms now used as the Chief Librarian's office.

(3) Mr. Heeney was asked to arrange for the cutting of an access door from the east to the centre portions of the basement area. This is an inexpensive operation but necessary to provide a convenient way of entering the centre part of the basement without having to cross to the west wing first on another floor.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON LEGAL EDUCATION

Mr. MacKinnon

Mr. MacKinnon, Chairman, presented a Report with respect to the work of the Special Committee on Legal Education:

This is the Report of the Chairman of the Special Committee on Legal Education, and not by the Committee itself, but it was felt that it was important to bring the Bench up to date on the activities of the Committee since June, 1970.

The subject is an enlarging and an engrossing one.

The work was commenced by letters to the Presidents of the County Law Associations and to the Deans of the Law Schools outlining our areas of concern and asking for their views and comments. We also got in touch with a Mr. Andrew Roman who had been commissioned by the Commission on Post-Secondary Education in Ontario to do study on "Legal Education after the LL.B."

Immediately prior to our first meeting, the Committee was increased by two, with the addition of two more academics, bringing their representation to four, and after our first meeting, we invited Dr. J. R. Kidd, Chairman of the Department of Adult Education of The Ontario Institute for Studies in Education, to join us, and he accepted the invitation and has been very helpful.

We have had four full meetings of the Committee in 1970, held on June 1st, June 22nd, September 14th and October 19th, which were organizational in part, and which directed the next steps to be taken.

In the Summer, the Treasurer, the Chairman and Mr. Jarvis, met with Drs. Stewart and Wright of the Provincial Department of Education and, as a result of our interview, we came away very hopeful of receiving a $50,000 grant. The Treasurer was even more hopeful after his presentation to the University Grants Committee, but, as has already been reported by him, the application was subsequently refused.

I can only deal in summary form with the various things we have been doing, but a great deal of the information we are seeking is necessary for the preparation of a proper and comprehensive questionnaire for presentation to the profession.

We have written all the Law Schools in Canada and some outside, seeking extensive information; we have written to all the Canadian Law Societies for certain information; we are in touch with the Lord Chancellor's Committee on Legal Education which has been studying these problems in England for three years and which hopes to make its first interim report shortly; we have advertised in the *Ontario Reports* asking for briefs from the profession on the questions raised; we have written various organizations from the Chamber of Commerce to labour unions asking for briefs and comments; we have written all the Deans of Arts and Science in the Province, asking for their views; we have secured information from the present Bar Admission Course by means of a questionnaire; we have prepared a bibliography of writings on Legal Education, etc.

Arthur Scace, a member of the Committee, was appointed Secretary and Research Director of the Committee and he is busy correlating a great deal of the material.

We have also made arrangements to attend at all the Law Schools in Ontario to receive briefs from the staff and students and discuss the various questions raised.

To date, some members of the Committee have held Committee "Hearings" at University of Ottawa (January 23rd, 1971), University of Western Ontario (February 12th, 1971), Queen's University (February 25th, 1971) and University of Toronto (March 18th, 1971). Transcripts of the discussions are being made for those members who were not able to be present.

We shall be attending Osgoode Hall, York University, on March 25th, 1971, and University of Windsor at a later date.

We hope, also, to have a public meeting for the profession in April, in Toronto.

"B. J. MacKinnon"
Chairman, Special Committee
on Legal Education

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Pepper

Your Committee met on Thursday, the 11th day of March, 1971, the following members being present: Mr. P. B. C. Pepper, Chairman, and Messrs. Cassels, Cass, Sheard and Steele.

The Committee approved a grant of five hundred dollars to one applicant and a grant of five hundred dollars to another applicant and recommended that a further grant of five hundred dollars be made to the same applicant. *Approved*

Publication of the Terms of the Trust

The terms of the J. Shirley Denison Trust were published in the *Ontario Reports* on the 21st of November, 1969. The text of that announcement was before the Committee and the Committee was asked to consider republication. Your Committee recommended that a further announcement be published in the *Ontario Reports.*

Moved by Mr. Levinter, seconded by Mr. Bowlby, that the further payment to the second applicant be increased to $1,000. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

SPECIAL COMMITTEE ON APPOINTMENT OF FULL-TIME COUNSEL TO THE SOCIETY—The Treasurer

Your Committee met on Wednesday, January 27th, 1971, the following members being present: Mr. G. A. Martin, Chairman, and Messrs. Evans, Gray, MacKinnon and Strauss.

Your Committee reviewed its interim report which favoured engaging a full-time counsel to act for the Discipline Committee and confirmed the view expressed in that report.

Your Committee has given further consideration to the matter and recommends that a committee counsel be engaged at a salary to be approved by the Finance Committee, his duties to include drafting of complaints, preparation and presentation of matters before the Discipline Committee and preparation of the Committee's reports as well as assistance to other Committees. It is also recommended that a secretary be engaged to work primarily with the committee counsel.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Thursday, the 11th day of March, 1971, the following members being present: Mr. Fennell, Chairman, Mr. Steele, Miss McCormick and Mr. Cass *ad hoc.*

As this Committee has already indicated to Convocation, it is of the opinion that the computerization of law is being developed and is being developed rapidly. It is fairly obvious that it may be a reality in the not distant future. At that time, the programme or programmes could be of great assistance to the members of our profession.

With this realization, it is desirable that we should seek to establish certain principles which will assist in establishing policy. The Committee therefore recommends —

(a) That this Society should give moral support and active assistance to this programme at all times.

(b) That this Society should make it clear that it is not in a position to support the programme financially. At the moment, the financial requirements are very substantial but it is possible that with a broad participation, the cost would not create a heavy burden. It should be borne in mind that the Law Society operates under powers granted to it by Statute and it is doubtful if the present powers could be interpreted to permit the Society to devote funds for the purposes of computerization of law or any other programme in this field.

(c) That if there is an approach made to the Ontario Government by some organization or organizations in Ontario, this Society should give sympathetic consideration to joining with them in supporting the development of this programme. It would be most helpful if the Statutes and, particularly, the Regulations under the Statutes, could be placed on a computer. At the present time, the condition of the Ontario Regulations leaves a great deal to be desired.

(d) That ultimately, the members of our profession will be among the users of the system and, as such, they will contribute substantially to its cost. The cost should be so organized that it will eventually be paid for by those who use it.

(e) That, while the present work in Ontario is in the nature of experimentation and development, it may well be that there are those who will seek to continue the development for commercial purposes. At present, the cost of the development is being shared by some commercial interests. The services of some commercial organizations will be required once the system is perfected and they will stand to gain from it. On the other hand, this Committee strongly recommends that the law of this jurisdiction should not fall into the hands of any private corporation or individual and, particularly, in the hands of a foreign corporation.

(f) That it is presently indicated that the best method of operating a system is through a consortium of governments, universities and other bodies. It may be desirable to set up a special corporation with these groups participating.

(g) That the law of our country is becoming more and more complicated and voluminous. The Statutes and the Regulations are a product of Government and it seems only fair that the Government bodies should pay the cost of developing a system which will allow those who are presumed to know the law a means of ascertaining the law with some degree of convenience.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Chief Justice Wells expressing his appreciation for the luncheon tendered to him on the occasion of the 25th anniversary of his appointment to the Bench, and for the gift presented to him.

CONVOCATION THEN ROSE.

The Treasurer and Benchers entertained as their special guests at luncheon The Honourable Mr. Justice Arnup and Professor Jacob Finkleman, Q.C., Chairman of the Public Service Staff Relations Board.

Read in Convocation and confirmed this 16th day of April, 1971.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, March 26, 1971
11:30 a.m.

PRESENT:

The Treasurer (Mr. G. A. Martin, Q.C.), His Excellency the Governor-General, and Messrs. Bowlby, Callon, Cassels, Evans, Finlayson, Ford, Goodman, Gray, Henderson, Howland, LeBel, Levinter, Lochead, Maloney, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Robinette, Robins, Sedgwick, Sheard, Slemin, Strauss and Thom.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Friday, the 26th March, 1971, at 11:15 a.m., the following members being present: Mr. T. Sheard (in the chair), and Messrs. Callon, Finlayson, Lochead, Pattillo and Slemin.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list is submitted of 455 candidates who have successfully completed the Twelfth Bar Admission Course, have filed the necessary documents and paid the required fee of $210, and who now apply for Call to the Bar and to be granted Certificates of Fitness. *Approved*

THE REPORT WAS ADOPTED.

CONVOCATION ADJOURNED AT 11:40 P.M.

The Treasurer and Benchers entertained at luncheon the Honourable Mr. Justice Laskin, the Chief Justice of Ontario, the Chief Justice of the High Court of Justice for Ontario, the Honourable Mr. Justice W. A. Donohue, Chief Judge C. E. Bennett, His Honour Judge Walter Martin, His Honour Judge James Ross, and Mr. J. C. MacDonald, Director of the Bar Admission Course.

The Treasurer and Benchers and their guests then proceeded to O'Keefe Centre.

CONVOCATION RESUMED at 2:00 p.m. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the Twelfth Bar Admission Course, a quorum being present.

The body of the theatre was occupied by the graduates of the Bar Admission Course, their families and friends.

CONFERRING OF HONORARY DEGREE

Mr. S. L. Robins, Q.C., Chairman of the Legal Education Committee, read the following citation:

Mr. Treasurer — It is my most pleasant duty to present to you and to this Convocation the Honourable Mr. Justice Bora Laskin with the request that you confer upon him the degree of Doctor of Laws. His Lordship is a distinguished Canadian who has served the law as teacher, writer, arbitrator and jurist, and through the law has served a wide and varied public and, justly, earned a reputation which extends far beyond the borders of Canada.

His renown is based not only on his learning in the fields of international law, civil liberties, constitutional law and labour law, but on his warm and generous humanity. His talents, which for twenty-five years were turned to the formation of young legal minds through the teaching of law, are now engaged in the formation of legal doctrines through the application of the law to the human problems which come for decision before the highest Court in the land.

I request you, Sir, to confer upon the Honourable Mr. Justice Bora Laskin the degree of Doctor of Laws, *honoris causa.*

The Treasurer then conferred the degree of Doctor of Laws, *honoris causa*, upon the Honourable Mr. Justice Bora Laskin.

The Treasurer then presented the Treasurer's Medal to —

Alan Morton Minsky and Donald Victor Harold Vale (Tie).

and the following scholarships and prizes:

The Roland O. Daly Scholarship (Tie)
The Law Society Prize (Tie)
The Lawyers Club First Prize (Tie)
ALAN MORTON MINSKY

The Roland O. Daly Scholarship (Tie)
The Law Society Prize (Tie)

The Lawyers Club First Prize (Tie)
The Criminal Procedure Prize

DONALD VICTOR HAROLD VALE

The Law Society Prize
The Lawyers Club Second Prize

JOHN DAVID NICHOLS

The Law Society Prize (Tie)

LAURENCE CHARLES CAROE
RONALD FLANNAGAN
GORDON IRWIN KIRKE

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning:

First Prize — ALLAN GOLDMAN
Second Prize (Tie) — SANDRA JEAN HASSENFELDT

The Arthur Wentworth Roebuck Award for Family Law (Tie)

BERNARD ARON
MICHAEL ALLAN SIEGEL

The International Academy of Trial Lawyers Prize for Civil Procedure

CLIFFORD STANLEY GOLDFARB

and congratulated the following who have been given special appointments:

Law Clerk to the Honourable George A. Gale, Chief Justice of Ontario — HARRY JOHN RIVA.

Law Clerk to the Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario — MARK GORDON APPEL
RONALD WILLIAM McINNES

CALL TO THE BAR

Mr. Stuart Thom, Q.C., Chairman of the Admissions Committee, then presented to the Treasurer and Benchers the candidates for call to the Bar:

Twelfth Bar Admission Course 1970-71

THE FOLLOWING HAVE PASSED WITH HONOURS:

1. *Awarded the Treasurer's Medal* (Tie); *The Roland O. Daly Scholarship* (Tie); *The Law Society Prize* (Tie); *The Lawyers Club First Prize* (Tie); —

ALAN MORTON MINSKY

Awarded the Treasurer's Medal (Tie) ; *The Roland O. Daly Scholarship* (Tie) ; *The Law Society Prize* (Tie) ; *The Lawyers Club First Prize* (Tie) ; and *The Criminal Procedure Prize* —

Donald Victor Harold Vale

3. *Awarded The Law Society Prize*; and *The Lawyers Club Second Prize* —

Johnn David Nichols

4. *Awarded The Law Society Prize* (Tie) —

Laurence Charles Caroe

Awarded The Law Society Prize (Tie) —

Ronald Flannagan

Awarded The Law Society Prize (Tie) —

Gordon Irwin Kirke

7. Sandra Jean Hassenfeldt — *The S. J. Birnbaum, Q.C., Scholarships for Estate Planning — Second Prize* (Tie)
8. Jim Vincent Norman Bubba
9. (Joel Alan Organek
(Hugh Wayne Snyder
11. Larry Thomas Beare
12. Robert Douglas Wilson
13. Douglas Sydney Ewens
14. (Howard Jerrold Alpert
(Bernard Aron — *The Arthur Wentworth Roebuck Award for Family Law* (Tie)
16. Clifford Stanley Goldfarb
—*The International Academy of Trial Lawyers Prize for Civil Procedure*
17. Vernon Isadore Balaban

The Following Have Passed:

William Thomas Abbott
Charles Samuel Ackerman
Richard Addelman
Angelo Vincent Aiello
James Kenneth Alexander
James Andrew Allan
Donna Coral Allen
Michael George Allen
Julie Evelyn Amourgis
George Easton Anderson

Wayne Stephen Anderson
Melvin Irving Antflyck
Mark Gordon Appel
John Gibsone Armstrong
James Gordon Arnold
Robert Norman Ash
David Jeffrey Atkinson
Philip Stanley Atkinson
Edward Allan Ayers
John Ross Bagshaw
Dianne Rosemary Pettit Baig
Richard Hugh Baker
John James Ball
Joseph Tremlett Banbury
Peter Thayer Banwell
Harvey Barron
Joseph Conrad Barrows
Lorne Barsky
Wayne Douglas Barton
Thomas Galbraith Bastedo
William Ennis Bateman
William Gordon Beach
Tudor Alexander Hartley Beattie
Yvonne Marie Anne Beaupré
Charles Stafford Beck
Charlotte Ann Bell
John Patrick Greatorex Bell
Donald John Bellehumeur
Joseph James Berry
Vasaris Romualdas Pranas Bersenas
Richard Campbell Biggs
Robert Blomsma
Gary Gerard Lachapelle Bonney
Gary Arthur Booth
Mary Ellen Elizabeth Boyce
Peter Ralph Braund
Mary Terese Joan Brennan
John Thomas Brett
Lucien Octave Brisebois
Richard Keith Broadfoot
Peter Allan Broadhurst
Reuben Bromstein
Ronald Harold Brooks
Gordon Phillip Brown
Lloyd Michael Budzinsky
Allan Ross Bumstead
Ronald George Burk
Douglas Joseph Butler
Paul Cadsby
Craig Callan-Jones
Alexander Bruce Cameron
Marie Catherine Lenz Cameron
Noel Adair Campbell
Robert Stanley Caplan
James Pearson Carr
Joseph Domenic Carrier
Terrence William Caskie
William George Charlton
Therese Pei Fong Chow
Theodore Christopher Chris
Alan Barry Clairman
Bruce Allan Clark
William Frederick Clark
Thomas Patrick Cleary
William Glenn Clemens
David Warner Climenhage
Peter Edward Cochrane
Jonathan Charles Cohen
Michael Victor Cohen
Roy Benjamin Conacher
Daniel Gilad Cooper
Glenn James Cooper
Gregory William Maurice Cooper
William Howard Corbett
Robert Ellis Arthur Costello
Ian Bruce Cowan
Gordon Ross Cunningham
Ernest Howard Cutler
Elliott Dale
James Daris
Ross Edward Davies
Richard Bertram Day
Wilfred Alexander Day
Michael Gerrard DeCosimo

George Graeme Gibson Dempster
William Logan Dewar
Joseph Martin Donohue
John Anthony Doyle
Michael Joseph Dubé
Pierre-Michel Dubé
Michael James Dwyer
Lawrence Harold Easto
John Janes Eberhard
Gordon Murray Edwards
Peter Anthony Eickmeier
Donald James Cathro Elliott
Roger Raymond Elliott
Henry Alan Luther Emerson
Stanley Emerson
David MacLeod Faed
Peter Thomas Fallis
John Gordon Farr
Bela William Andrew Fejer
Martin Fingerhut
Michael John Fingret
Robert Dyson Finlayson
Hugh Allan Finsten
Ian Robert Fisher
George Edward Fisk
Michael Martin Kelly Fitzpatrick
Jean-Jacques Leon Fleury
Peter Bruce Forbes
Pierre Wilfrid Fortier
Frank Alexander Fraser
David Victor Freeman
David John George French
Jack Marvin Futerman
Patrick James Galway
Lewis Albon Garbe
Kenneth Arnold Frank Gates
Maurice Henri Gatien
Frederick McLaren Gaviller
Edward William Geller
Bruce Alan Glass
Peter Morley Gold
Allan Goldman — *The S. J. Birnbaum, Q.C., Scholarship for Estate Planning —First Prize*
Jeffrey Warren Goldman
Robert James Goodman
Barry Tudhope Grant
John Stuart Grant, Jr.
Ronald George Gravelle
David Arthur Gray
Douglas Kenneth Gray
Sarah Elizabeth Gray
David Jack Green
Glynn Richard Green
Donald Raeburn Greenfield
John Howard Groom
Jack Morris Grossman
Christopher Stephen Guest
Lorne Ross Guest
George Allan Guthrie
Roger William Hacker
John Stanley Albert Hahn
Harold Peter Hands
Hubert Roger Hart
Lynn Alan Hastings
Donald Bruce Hawkins
Gordon Leonard Hill
David Gordon Hockin
John Thomas Hogan
Michael Henry Holden
Robert Lane Holden
John Todd Holmes
Edward James Thomas Hook
John Boyd Hopkins
John Michael Hospodar
Michael John Houle
William Thomas Howell
Eldon Lindbergh Hunt
Peter Arthur Hustler
Wilfred Paul Huston
Ingrid Christel Hutton
Michael Bruce Ingram
Lorne Sheldon Jackson
Martin Jacobson
Arthur Osher Jacques
Marva Maureen Jemmott
James Ralph Johnson

Philip William Johnston
William Anderson Joyce
Thomas Russell Judge
Douglas Bruce Edward Kelly
Frederick Stanley Kelman
Duncan Allan Hubert Kennedy
William Aconley Kenny
Howard Elliott Kerbel
Henry Grant Kerr
Abdul Aziz Khalifa
Donald Isamu Kimura
Sheldon Ernest Kirsh
Leon Klug
Gerald Richard Kluwak
Andrew Charles Knox
Peter Paul Kolassa
Lubomir Kozak
Arthur Edward Kruse
Alexander Vincent Kuska
John Christopher Kyle
Paul Leo LaFrance
Hugh Boydell Lambe
Adelaide Florence Lamey
Andrew Matthew Lang
John McLaren Langs
Larry Edwin Lant
John Ivan Laskin
Paull Norman Leamen
Nicholas Jolyon Leblovic
Michael Franklin Ledgett
Paul Maurice Ledroit
Jason Pak Wai Lee
Harold Austin Lendon
Michael Allan Levine
Joseph Liberman
Phillip Litowitz
Peter Wesley Lockett
Robert Charles Logan
James Melville Longstreet
Ronald Graham Lord
David Lawrence Lovell
Robert Allan MacDermid
Duncan Ross Macintyre
W. Patric Mackesy
James Robert MacKinnon
Ian Bruce MacOdrum
Jane Evelyn Maddaugh
Grace Rachel Maitland-Carter
Jesse John Malik
Michael William Manley
Hubert Ernest Mantha
George Allan Marron
Ian Edgar Hayes Marshall
Arthur John Reynolds Mastin
Frederick John Matthews
Patrick Francis David McCann
George Kent McClure
Michael Neil McCrank
Robert Gary McCuaig
Bruce Robert McDonald
Ronald William McInnes
John Ronald McIsaac
Donald Frederick McKay
Henry George McKenzie
Bruce Hardisty McKillop
James Douglas McMillin
Harold Rosaire McNeely
Richard James Meagher
Dennis John Meisner
Roman Peter Melnyk
Edmund Frederick Merringer
Robert Eric Milnes
Ronald Francis Mitchell
Lewis Robert Mitz
Ronald Bryan Moldaver
Stephen Charles Monteith
Grant Richard Moore
Daniel Kenneth Moorhouse
Carlo Thomas Morra
Jona Laurelle Morra
Dennis Stephen Morris
Leslie J. Morris
Richard Roy Morrow
Paul Lawrence John Mullins
David John Treacy Mungovan
Alice Dianne Murray
John Allister Murray

John Carruthers Murray
David Coleman Nathanson—*The Commercial and Company Law Prize*
Robert Marc Nelson
Ross Ronald Nicholson
Leon Albert Denis Servais Nicol
John Hunt Nolan
Noel Alexandre Nolasco da Silva
James Burberry Noonan
Anthony Robert Norfolk
Keith Calder Norton
Harold Wayne Nymark
Allan Robert Bremner O'Brien
James Francis O'Brien
Francis Ambrose O'Connell
Peter Robert O'Donoghue
Carol Marie Olchowski
Frank Evan Orenstein
Larry Howard Owen
Barry Berge Papazian
Brian Thomas Matthew Pape
Paul Jeffrey Pape
Gordon Allan Park
Mary Lou Parker
Wilfred John Elvin Parker
John Rupert Parkinson
Katherine Ellen Parkinson
Robert Arsen Partyka
Edward Randall Passi
Terrence Lester James Patterson
Martin Joseph Pawelek
Murray Douglas Pearson
Jay Edward Peart
Peter Richard Pegg
William Richard Pepler
Richard Rutland Perdue
Douglas Eccles Gibson Phibbs
Lawrence Gordon Phillips
Joseph Michael Pigott
Thomas Chipman Pinckard
Donald Cameron Plaunt
Lloyd Jay Pollack
Frederick Joseph Porter
Harvey Leonard Samuel Portigal
John Sebastian Poupore
Susanne Marie Prentice
Robert Douglas Preston
Robert Emerson Pritchard
Carmen Francis Provenzano
Thomas Francis Rahilly
William Allen Raisbeck
Abdul Rashid
James Mannes Regan
John Murray Reid
Ronald Gerald Richard Renzini
George Berry Reynolds
Bruce Frank Linfield Rice
Mary Jane Binks Rice
Harry John Riva
John Paul Rivers
Denis Michael Roberts
Marietta Lola Doreen Roberts
William Stead Robertson
Dale Lois Robinette
Lawrence Robinson
Peter George Rowan Rock
Thomas James Rock
Stanley Morton Rose
Vibert Theophilus Rosemay
Clarence Rosenberg
Barry Philip Rosenblood
James David Macbean Ross
Norman Alfred Joseph Ross
Peter Douglas Ross
Ernest Rovet
Edward Kingsley Rowan-Legg
Lorna Ellen Rudolph
George Hastings Rust-D'Eye
Victor Michael Saccucci
Eric Paul Salsberg
Lorne Frederick Samuel
Harvey Stephen Savage

Alfred Ramchander Sawh
Donald Bruce Schroeder
Werner Schwantje
Cecil Schwartz
Macey Schwartz
Bruce Edward Scott
William George Scott
Katherine Jane Segsworth
Shantichandra Bhagwanji Shah
Roger John Shaw
Michael Joseph Shea
Gary Andrew Shewan
James Harvey Shivas
Earle Israel Shoihet
Jerald Shuman
Michael Allen Siegel — *The Arthur Wentworth Roebuck Award for Family Law* (Tie)
Henry Silver
Norman Silver
Kit-Har Siu
James Robert Slater
Harry Deryk Smith
Joseph Nathan Solomon
John Jules David Somjen
Sabatino Stabile
Donald Charles Stanbury
Harold Barry Stephen Starr
Henry Peter Steponaitis
Norman William Sterling
Gerald Sternberg
Paul Martin Stillman
Ian James Strachan
Harvey Thomas Strosberg
Janet Helena Stubbs
Philip Desmond Sullivan
William James Fraser Summers
Peter Henry Sutherland
Nigel Svami
Howard Stanley Swartz
Gilmour George Sweezey
Edward Franklyn Symons
Raymond Peter Vincent Taillon
Donald Hawkins Tait
Arthur Paul Tarasuk
Wolf Teichman
Mary Douglas Temple
Anne Carole Thom
William Philip Thomas
Ian MacKay Thompson
Peter Mills Thompson
David James Thrasher
Lorne Brian Tick
Cameron Donald Trotter
Matti Tuvikene
Robert Allison Tweedie
Stanley Udell
Paul Michael Valenti
Jesse Kingsley Van Nest
Kenneth Craig Vaughan
Michael Andrew Wadsworth
Robert Bryson Waind
Alan Baker Wainwright
George Franklin Walker, Jr.
Martin Richard Wasserman
John Douglas George Waugh
John Albert Webster
Allen Weinstein
Sirje Weldon
David Stephenson White
Michael John Hall Whitney
Albert Henry Whittaker
Gordon Andrew Wiggins
Anthony Robert Graham Wight
Norman Bernard Willans
Norman Franklyn Williams
Frederick Stanley Wilson
Lyle Douglas Wilson
Andrew Dickson Wood
John Arthur Woods
John Harold Wyatt
Stephen Sheldon Yanover
Albert Young
Bruce James Young
James Douglas Young

Peter Gavin Franklin Young
Peter John Young
Arnold John Zado
Daniel Robert Zadorozny
James A. Zener
Stanley Harold Zigelstein
John William Zinkann

The Treasurer, Mr. G. Arthur Martin, Q.C., then conferred upon the candidates the degree of Barrister-at-law, and Called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar, and congratulated them on behalf of the Law Society of Upper Canada. He then introduced the Honourable Mr. Justice Laskin who addressed the assemblage.

CONVOCATION THEN ROSE.

Following Convocation a special sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with the Honourable Dalton C. Wells, Chief Justice of the High Court of Justice for Ontario, presiding.

His Excellency the Governor-General sat with Chief Justice Wells during the proceedings.

Mr. Stuart Thom, Q.C., presented the candidates to his Lordship who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

Chief Justice Wells then addressed the new Barristers.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge at the O'Keefe Centre.

Read in Convocation and confirmed this 16th day of April 1971.

"G. ARTHUR MARTIN"
Treasurer

MINUTES OF CONVOCATION

Friday, April 16, 1971
10 a.m.

PRESENT:

Messrs. Bowlby, Callon, Cass, Cassels, Chappell, Evans, Fennell, Finlayson, Ford, Gray, Howland, Lochead, Maloney, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Pepper, Raney, Slemin, Steele, Strauss and Thom.

The Treasurer being unable to preside in Convocation, Mr. W. G. C. Howland, Q.C., presided *pro tem.*

The Minutes of Convocation of March 19, 1971, and of the Special Convocation of March 26, 1971, were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 8th day of April, 1970, at 2:30 p.m., the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Callon, Cass, Henderson, MacKinnon and Thom.

MATURE STUDENTS

When the Bar Admission Course was established and LL.B. courses approved for the purpose of having their graduates enter the Bar Admission Course the standards the Society stipulated for admission to the first year of an approved LL.B. course made no provision for "mature students". This question has been raised by the Faculties of a number of the approved law schools and representations have been made on the subject by Professor Ronald G. Atkey of the University of Western Ontario.

This question is so intimately connected with the matters under consideration by the Special Committee on Legal Education that your Committee recommends that it await the report of the Special Committee.

LL.B. STUDENTS — BASIC UNITS

Government grants to universities are made on the basis of student population and under a formula whereby students are rated according to the course or faculty in which they are registered. LL.B. students are rated for this purpose at 1.5 basic income units whereas, for instance, students in medicine, dentistry and veterinary medicine are rated at five basic income units.

The Committee of Ontario Law Deans has prepared a brief for presentation to the Committee of Presidents of the Universities of Ontario submitting that law students should be rated higher. The Committee is asked to consider recommending to Convocation that the Society give its approval to the brief being submitted by the Committee of Deans. A copy of the brief is before the Committee together with a copy of a letter written by Professor Daniel Soberman, Chairman of the Committee of Ontario Law Deans, to Dr. John B. MacDonald, Executive Director, Committee of Presidents of Universities of Ontario.

Your Committee recommends that the Society give its approval to the representations made in the brief being submitted by the Committee of Deans.

PETITION

Jeffrey H. Bernstein, who is in the articling period of the present Bar Admission Course asks permission to postpone his entrance into the teaching period for one year so that he can complete an LL.M. degree programme at the London School of Economics. *Approved*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, 8th day of April, 1971, at 2:00 p.m. the following members being present: Mr. Stuart Thom, Chairman, Mr. R. W. Cass, Vice-Chairman, and Messrs. Callon, Lochead, MacKinnon and Robins.

CALL TO THE BAR AND CERTIFICATES OF FITNESS

BAR ADMISSION COURSE

The following candidates having successfully completed the Twelfth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now apply for Call to the Bar and to be granted a Certificate of Fitness:

Charles Sidney Barnett
David Estrin *Approved*

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in her particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Hilda Margaret McKinlay — Special — Faculty of Law, University of Toronto. Fee $200. *Approved*

Your Committee recommends that the incoming Committee review the policy affecting full-time members of faculties of approved law schools in Ontario.

ADMISSION OF STUDENT-AT-LAW

BAR ADMISSION COURSE

The following candidate having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applies for admission to the Law Society as a student-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulation — Part II, No. 2

521. STEER, Susan Marie — B.A. Saskatchewan 1969; LL.B. Saskatchewan 1969. *Approved*

DIRECT TRANSFER FROM QUEBEC

T. R. Anthony Malcolm (B.A. McGill University, 1952, B.C.L. McGill University, 1956) was called to the Bar of the Province of Quebec in June, 1957, and has practised in that Province since the 1st June, 1957. He presents a certificate of good standing from the Bar of Montreal and seeks to proceed under Regulation 4(3). *Approved*

UNITED KINGDOM SOLICITOR

James Traill Lyon presents a current Practising Certificate from the Law Society of Scotland and seeks to proceed under Regulation 5(1). *Approved*

COMMONWEALTH TRANSFER

Ishaq Hussain Khan (B.A. Punjab University, 1961, LL.B. Punjab University, 1963, M.A. Punjab University, 1964) was admitted as Advocate of the Bar Council of West Pakistan, December 1963. He has practised in India up until October, 1970. He presents a current certificate of membership from the West Pakistan Bar Council and the District Bar Association, Mianwali. Mr. Khan seeks to proceed under Regulation 7. *Approved*

BAR ADMISSION COURSE

Robert James Murphy asks that he be excused the articling period of the Bar Admission Course and be permitted to enter the Teaching portion of the Course in September, 1971.

Your Committee recommends that he be advised he must complete the Bar Admission Course including the full articling period.

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Friday, the 8th day of April, 1971, the following members being present: Messrs. Gray (in the Chair), Callon, Fennell, Henderson, Pepper, Robins, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st day of March to the 31st March, 1971, accounts, including Library Accounts, properly approved, to the amount of $176,439.94 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July 1970 to the 31st March 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1970 to the 31st March 1971. *Approved*

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their memberships in the Society are in abeyance:

R. J. Hamilton, Q.C., Simcoe: Called — 19 June 1947; Appointed Provincial Judge, Family Court — June 15, 1970.

Harold A. Rice, Q.C., Toronto: Called — 20 December 1962; Appointed Provincial Judge, York County, March 15, 1971.

Laurence T. G. Collins, Peterborough: Called — 10 April 1964; Appointed Provincial Judge, Peterborough County, March 29, 1971.

Deaths

The following former members of the Law Society have died:

George W. Morley, Q.C., Manotick (Hon. Life Mem.)	Called—28 July 1914; Deceased—January 1971.
Frederick Burki, Toronto	Called—12 April 1962; Deceased—9 March 1971.
Richard D. Arnott, Q.C., Belleville	Called—16 June 1927; Deceased—15 March 1971.

Elizabeth H. Newton, Q.C., Toronto	Called—15 September 1921; Deceased—27 March 1971.
Alphonse R. Mailloux, Sudbury	Called—25 June 1953; Deceased—4 April 1971.

Resignation

Mr. Phillip J. Dadson of Vancouver asks permission to resign as a member of the Law Society of Upper Canada.

Your Committee recommends that he be allowed to resign upon payment of his fees for 1969-70.

Arrears of Annual Fees

Under Section 36 of The Law Society Act, 1970, if a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment is due, he is liable to suspension for non-payment of fees. On February 22, 1971, a Final Notice of Overdue Fees — 1970-71 was mailed to those members in arrears at that time. The following members are still in arrears:

Andison, Douglas, c/o Dept. of Finance, Room 307, Confederation Bldg., Ottawa, $140.

Brister, Stuart B., 199 Wellington St., London, $140.

Callaghan, J. J., 2 Triburnham Place, Apt. 412, Etobicoke 642, $110.

Grant, Donald H., Box 21, Fenwick, Ont., $110.

Lucas, Isaac B., Q.C., Main St., Box 360, Markdale, Ont., $140.

Schnarr, John G., 830 Talbot St. N., London, $140.

Serre, Albert, 404 Laurier Ave. E., Apt. 207, Ottawa 2, Ont., $140.

Wilson, Thomas H., Faculty of Law, University of Saskatchewan, Saskatoon, Sask., $110.

Your Committee recommends that the above members be suspended from practice for one year, and from year to year thereafter, or until their arrears of fees are paid.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Evans

Compensation Fund

March 31st, 1971

Balance on hand February 28th, 1971	$1,394,809.58

RECEIPTS		
Investment Income	$16,951.40	
Fees Levy	3,480.00	
Recovery re G. R. R. Frame	1,876.15	22,307.55
		1,417,117.13
DISBURSEMENTS		
* Grants (6)	9,817.97	
Counsel fees, reporters, &c.	8,350.81	
Refund	30.00	18,198.78
BALANCE ON HAND MARCH 31st, 1971		1,398,918.35

* 5 re Frame
1 re Harris

OUTSTANDING CLAIMS		
Claims outstanding February 28th 1971		2,323,234.74
**Received during period (11)		73,820.85
		2,397,055.59
Dismissed during period	104,055.00	
Paid (amount of original claims)	17,072.78	121,127.78
Claims outstanding March 31st 1971		2,275,927.81

**3 re Bannon
4 re Caplan
1 re Harris
1 re Blotti
1 re Bowman
1 re Parisien

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TOTAL CLAIMS PAID to March 31st 1971 (752 on account of 74 former solicitors)	2,339,365.03

THE REPORT WAS RECEIVED.

Your Committee met on Friday, the 16th day of April, 1971, at 9:30 a.m. to consider the Report of the Sub-Committee of the Discipline Committee on the appointment of Referees.* The following members of your Committee were present: Mr. F. J. L. Evans, Chairman, and Messrs. MacKinnon, Thom, Pattillo, Slemin, Strauss, Finlayson, Steele, Gray, Lochead and O'Driscoll.

Your Committee recommends the appointment of each of the following as Referee: J. S. Boeckh, Q.C., J. C. McTague, Q.C., and R. B. F. Barr, Q.C. *Approved*

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*Under subsection 10 of Section 51 of The Law Society Act, 1970.

THE REPORT WAS ADOPTED.

Call to the Bar

The following candidates were presented to the Treasurer *pro tem* and Convocation, were Called to the Bar, and the degree of Barrister-at-Law was conferred upon them by the Treasurer:

Charles Sidney Barnett

David Estrin

Hilda Margaret McKinlay — Special, Faculty of Law, University of Toronto.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 8th day of April, 1971, at 11:30 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Bowlby, Callon, Evans, Ford, Gray, Maloney, O'Driscoll, Sedgwick, Slemin and Strauss.

1. Ruling 10 — Signs and Letterheads

A law firm wrote to the Society advising that a lawyer who is also a Medical Doctor is joining their firm. Permission has been requested for the term "Medical-Legal Counsel" to be placed on the letterhead. Your Committee is of the opinion that to do so would offend the Rule with respect to specialization and therefore is not prepared to authorize this as an exception to Ruling 10.

Your Committee considered correspondence with respect to the letterhead of a lawyer which included the name of a Provincial Judge. The Secretary was instructed to advise the lawyer concerned that the Judge's name could not appear on the letterhead.

2. REPORT OF THE SUB-COMMITTEE ON "TOUTING, ADVERTISING AND SOLICITING".

At its June, 1969, meeting, your Committee recommended to Convocation a Proposed Ruling that would be substituted for Rulings 3, 4, 5, 6, 17 and 18. Convocation approved of the recommendation that the Ruling be published as a proposed amended Ruling in the *Ontario Reports*. This was accordingly done and comments were received from members of the profession. An amended Proposed Ruling was submitted to the Committee at its October, 1970, meeting with the recommendation that it also be published in the *Ontario Reports* for comment by the profession. The Committee concurred in this recommendation and with the approval of Convocation it was published. Your Committee has now considered the Sub-Committee's Report which reads as follows:

"TO THE PROFESSIONAL CONDUCT COMMITTEE

Your Sub-Committee on "Touting, Advertising and Soliciting", met on Thursday, the 28th day of January, 1971, at 2:20 o'clock in the afternoon, the following members being present: Mr. E. A. Goodman, Chairman, and Messrs. Callon, MacKinnon and O'Driscoll.

Your Sub-Committee met to consider letters received in response to the publishing for the second time of a Proposed Ruling on "Touting, Advertising and Soliciting", which appeared in the *Ontario Reports*, week of December 11th, 1970, in the following form:

PROPOSED RULING ON TOUTING, ADVERTISING AND SOLICITING

1. A member shall not directly or indirectly apply for or seek instruction for professional work or do or permit any act or thing which can reasonably be regarded as professional touting or advertising or as designed primarily to attract professional work.
2. Without limiting the generality of Ruling 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:
   (a) to hold himself out or permit himself to be held out as being prepared to provide professional services at fees that are less than reasonable and appropriate in the circumstances in order to obtain professional work;
   (b) to permit his name to appear as solicitor, counsel or Queen's Counsel on any advertising material offering goods (other than securities) or services to the public;

(c) while in private practice, to permit his name to appear on the letterhead of a company as being its solicitor or counsel of a business, firm or corporation;

(d) to act for a vendor of property who to the knowledge of the solicitor advertises or makes any representation through salesmen or otherwise, as an inducement to a purchaser, that a registered deed is included in the purchase price, or leads purchasers to believe that it is unnecessary for them to be represented in the transaction;

(e) to hold out or permit himself to be held out to any prospective purchaser as being specially fit to act for such purchaser because of his special knowledge as solicitor of the vendor;

(f) to permit a vendor or his agent to hold out to a prospective purchaser that he, as solicitor for the vendor, will act for such purchaser and that the vendor will pay, in whole or in part, his fees as solicitor for such purchaser;

(g) to arrange for or to encourage any other person (*e.g.*, real estate agent) to make a practice of recommending to any party that the member's services be retained;

(h) to act for or accept a brief from or on behalf of a member of a club or organization as, for example, an automobile club which makes a practice of "steering" its members, provided that a solicitor shall be entitled to assist a community social agency, provide legal advice or service on a gratuitous or subsidized basis for persons falling within the scope of the organization's activities, when such organization has received the approval of the Professional Conduct Committee.

As a result of submissions made by members of the profession, your Sub-Committee has determined that Section 1 of the Proposed Ruling be amended to read as follows:

1. A member shall not directly or indirectly do or permit any act or thing to be done which can reasonably be regarded as professional touting, advertising or as designed primarily to attract professional work.

Section 2(b) be amended to read as follows:

2. (b) to permit his name to appear as solicitor, counsel or Queen's Counsel on any advertising material offering

goods (other than securities or legal publications) or services to the public;

Section 2(h) be amended to read as follows:

(h) to act for or accept a brief from or on behalf of a member of a club or organization as, for example, an automobile club which makes a practice of "steering" its members, provided that a solicitor shall be entitled to assist a community social agency by providing legal advice or service on a gratuitous basis for persons falling within the scope of the agency's activities.

and that the aforementioned proposed Ruling, as amended in this Report, be enacted in lieu thereof."

Your Committee recommends that this Ruling as amended be adopted, and that it be known as Ruling 3 of the Professional Conduct Handbook, and that the present Ruling 3 together with Rulings 4, 5, 6, 11, 17 and 18 be repealed.

3. JUDGMENTS — CONDUCT UNBECOMING

Your Committee was asked to give consideration to the question of money judgments obtained against solicitors and whether this should be viewed as conduct unbecoming and, if so, how many such judgments a solicitor may have against him before it is so viewed. Your Committee gave full consideration to the question and wishes to draw attention to Ruling 32 of the Rules of Professional Conduct which reads as follows:

RULING 32

DUTY TO MEET FINANCIAL OBLIGATIONS

> To maintain the honour of the Bar members have a professional duty (quite apart from any legal liability) to meet financial obligations in relation to their practice such as debts incurred to Sheriffs, Special Examiners, Registrars of Deeds and other public officials; agency accounts and obligations to members of the profession.
>
> When a member incurs an obligation on behalf of a client which he is not prepared to pay personally he shall make his position clear in writing at the time the obligation is incurred.

and section 11 of the Regulations made pursuant to the Law Society Act, 1970 which reads as follows:

BANKRUPTCY

11(1) Every barrister and solicitor shall forthwith notify the Secretary of the receipt by him of a petition to declare him bankrupt or of the making by him of a general assignment for the benefit of his creditors.

(2) From and after the date a barrister and solicitor is declared to be a bankrupt or makes a general assignment for the benefit of his creditors and so long as he remains an undischarged bankrupt, he shall not without the written permission of Convocation or the Discipline Committee accept from or on behalf of clients any money or other property other than in payment of fees for services rendered or in reimbursement for money properly expended or expenses properly incurred on behalf of a client.

(3) A member by becoming bankrupt under the "Bankruptcy Act (Canada)" may be guilty of conduct unbecoming a barrister and solicitor.

Your Committee does not feel that any further Ruling should be made at this time.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 8th day of April, 1971, the following members being present: Messrs. Steele (Chairman), Ford, Lochead, Strauss, Harris, Cassels, O'Driscoll and Maloney, and Mrs. E. Boultbee.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st March, 1971, were approved as follows:

	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	27,522.72	79,395.42	864.19

	Special Account
Estimates	23,472.52
Expenditures	872.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	18,000.00	10,500.00
Expenditures	9,789.88	4,651.47

Gifts and Donations

Donations of books have been received as follows:

Messrs. Mackenzie, Wood & Magill, Toronto
A miscellaneous collection of texts totalling four volumes

Massey-Ferguson Limited, Toronto
(through its Senior Solicitor, R. M. Snelgrove, Esq.)
A total of 319 volumes as follows:
American Jurisprudence, 1st & 2nd editions (incomplete) 104 volumes
American Law Institute — Restatement of the Law, 29 volumes
Modern Legal Forms, 15 volumes
U.S. Code (annotated) 171 volumes.

Great Library Staff

Miss Jane Hamilton, B.A., has been appointed a Library Assistant as of 29th March, 1971.

Miss Eleanor Smarko, B.A., B.Ed., has been appointed a Library Assistant as of 1st April, 1971. *Approved*

County Law Libraries

Annual Grants

The following associations have sent in their annual returns. The amounts which each should receive under the Rules for the year 1971 are as follows:

	1971	1970	
Dufferin	$ 750.00	$ 750.00	
Lanark	970.00	970.00	
Peel ($2,000.00 600.00 loan)	1,400.00	1,400.00	($2000. 600 loan)
York	3,500.00	3,500.00	

Approved

Reporting

Weekly Summary of Appeal Cases

The Chief Justice of Ontario has proposed that the Weekly Summary of Judgments of the Court of Appeal prepared by the Court of Appeal Law Clerk be provided to the Law Society so that these summaries can be made available to the profession. The Chief Justice has expressed the view that the Society would be entitled to distribute copies of the summaries to the County and District Law Libraries. The purpose of this would be to alleviate the problem caused by the interval between the delivery of judgments by the Court of Appeal and their subsequent publication in the *Ontario Reports*. The Chief Justice has advised that any decision made by Convocation respecting these summaries would still be subject to the approval of the Judges' Library Committee.

Subject to the approval of the Judges' Library Committee, your Committee recommends the approval of the principle of making the summaries available to the profession and that copies of the summaries be distributed immediately to each County and District Law Library. Your Committee recommends that the matter be pursued forthwith with the Judges' Library Committee.

In addition your Committee recommends that the matter of publishing the summaries in the weekly issues of the *Ontario Reports* be discussed with the Judges' Library Committee and also that enquiries be made of Canada Law Book Limited as to the cost of such publication.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th day of April, 1971, the following members being present: Mr. Strauss, Chairman, and Messrs. Bowlby, Cass, Fennell, Lochead and Steele.

In October, 1969, the Society obtained a conviction under the Solicitors Act, R.S.O. 1960, against a Notary Public who was acting for parties on real estate transactions. The Notary, through his Counsel, subsequently instituted proceedings to appeal the conviction. Counsel for the Notary has now advised that he has been instructed to abandon these proceedings.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 7th day of April, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Fairbairn, Ford, Gray, Killeen, Lochead and Poole.

G. Arthur Martin, Q.C., Treasurer, attended the meeting.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of February, 1971.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 11 months ended February 28th, 1971.

(b) The Controller submitted two new contracts with IBM for approval of the Committee.

Your Committee recommends that the Law Society of Upper Canada enter into two additional IBM data processing contracts, the details of which are as follows:

1. *Custom Retrieval Programme*

   This is a programme designed to make available to the administrators of the Legal Aid Plan detailed information on types of cases processed under the Legal Aid Plan. The one-time purchase cost of this programme is $6,800.

2. *Machine Usage Agreement NU-55-6823*

   This contract covers the machine time to be used in processing enquiries made under the Custom Retrieval Programme. The annual machine usage cost will vary with the number of times the programme is utilized. Assuming that the programme will be utilized once every month then the cost would be approximately $1,800.

(c) The following lease, approved by John D. Honsberger, Q.C., on behalf of the Law Society, was approved by your Committee:

Provincial Director's office — part of main floor
123 Edward Street — two years — $1,400 per month

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of March, 1971.

(b) The Legal Accounts Officer submitted a report for the month of March, 1971, with respect to reviews and appeals.

APPOINTMENT OF A PROVINCIAL APPEALS DIRECTOR TO SUPERVISE APPEALS SUBMITTED TO AREA COMMITTEES UNDER SECTION 14 OF THE LEGAL AID ACT

At the January, 1971, meeting, your Committee appointed a Sub-Committee to consider the appointment of a Provincial

Appeals Director to supervise appeals submitted to Area Committees under Section 14 of the Legal Aid Act, consisting of J. G. J. O'Driscoll, Q.C., Chairman, and Messrs. Bowlby and Cass.

The Committee considered and approved a report submitted by the Sub-Committee.

APPOINTMENT OF AREA DIRECTOR, DISTRICT OF ALGOMA

Your Committee approved the appointment of Alexander C. Harry, Q.C., as Area Director for the District of Algoma to replace Ray Stortini, Solicitor, who is retiring.

STUDENT LEGAL AID SOCIETIES

(a) L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, submitted a report with respect to a meeting held on March 27th, 1971, with 37 representatives of the Student Legal Aid Societies from Osgoode Hall Law School, York University, the University of Toronto, Queen's University, the University of Western Ontario and the University of Windsor. The University of Ottawa was represented although it has no Student Legal Aid Society.

(b) The Committee approved in principle the employment of certain law students over the summer months to assist in the continuity of student legal aid programmes at Queen's University, the University of Western Ontario, Osgoode Hall Law School, York University, the University of Toronto and the University of Windsor.

L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, was requested to ensure that there will be proper control and supervision of the summer projects after conferring with the respective area directors.

STOREFRONT LAW OFFICES

Your Committee noted a newspaper article dated April 2nd, 1971, to the effect that Osgoode Hall Law School, York University, has been given a $47,500 Federal Government grant to operate a storefront law office in a low-income neighbourhood in Toronto. The project budget for the first year's operation is $75,000. The article reported that the rest of the money will probably come from a Ford Foundation grant.

A meeting has been arranged for Thursday, April 15th, 1971, at Osgoode Hall with Dean Gerald LeDain, Osgoode Hall Law School, York University, Frederick Zemans, Solicitor, Supervisor of the project, the Treasurer and members of the Legal Aid Committee to obtain further information with respect to the student project.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the legal aid committees for the respective areas:

Oxford County

G. A. Calder, Solicitor, Woodstock
J. F. Hutchinson, Solicitor, Woodstock
J. C. McBride, Q.C., Ingersoll
B. M. Toth, Solicitor, Tillsonburg
W. E. G. Young, Q.C., Woodstock.

Halton County

F. D. Thompson, Solicitor, Milton.

The following *resignations* were noted:
Oxford County
John W. Burridge, Q.C.
Lorne E. Dow, Q.C.
R. A. MacDougall, Solicitor
W. R. Marshall, Q.C.
E. V. Tillson, Q.C.

Halton County
His Honour Judge W. S. Sharpe.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON THE RIGHT OF A LAWYER TO WITHDRAW IN A CRIMINAL CASE—Mr. Maloney

At its November, 1969, meeting Convocation considered a report of the Discipline Committee which had adopted a report of one of its Sub-Committees. This Sub-Committee had been appointed to consider the "right of a lawyer who has agreed to act in a criminal case to withdraw". There had been a recommendation made by the Sub-Committee that a Special Committee be appointed to consider whether or not it would be advisable to request the Judges under their rule making power to make a rule whereby a lawyer who desires to withdraw from a case *may*, upon proper notice to the client, make application to the Court for an order permitting him to withdraw and, if the application is successful, to require an entry to be made on the record that the Counsel named in the Order has withdrawn with the approval of the Court. It was also suggested that the scope of that Committee's reference should also extend to developing a procedure for investigating the truth of allegations made by defendants that a named lawyer who had been retained, failed to appear, before such lawyer is subjected to public criticism.

On the 19th day of June, 1970, Convocation approved the appointment of a Special Committee on Rule Respecting Withdrawal from a Criminal Case, composed of Mr. Maloney as Chairman and Messrs. Bowlby, Martin and Sedgwick.

On the 22nd February, 1971, your Special Committee met, Mr. Maloney and Mr. Sedgwick being present. Also present was the Treasurer, and by invitation, Mr. Strauss.

Your Committee considered the view that had been expressed at a meeting on the 9th December, 1970, at which time, in addition to the Committee members, there were present by special invitation a number of members of the criminal bar practising in the Province of Ontario. They possessed a considerable experience in the field of criminal law and were representative of both the prosecution and defense side of the criminal Bar.

It is your Committee's recommendation in the light of its study and investigation that there should be no rule making power on the part of the Judges, it being the view that the procedure as set out in the Report of the Sub-Committee of the Discipline Committee referred to above, is sufficient.

Your Committee recommends that the Treasurer, or his nominee, meet with The Honourable G. A. Gale, Chief Justice of Ontario, The Honourable D. C. Wells, Chief Justice of the High Court, the Chief Judge of the County Court, the Chief Judge of the Criminal Division of the Provincial Court, and request that they inform the members of their respective Courts of the approval Convocation has given to the report of the Sub-Committee dated November, 1969, concerning the right of counsel to withdraw.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON ACTIVITIES OF STUDENTS-AT-LAW—Mr. MacKinnon

In the *Ontario Reports* of the 30th of October, 1970, the Society published a notice to the profession setting forth the matters on which students-at-law were to be permitted to appear. In November, 1970, His Honour Judge Harry Cavers wrote to the Treasurer on behalf of the Judges of the County and District Court Judges' Association of Ontario to arrange a meeting with the Treasurer and a small representation of Judges to discuss particularly the right of students-at-law to appear in County Court Chambers and on audits of estates in the Surrogate Court of Ontario.

The Treasurer and the Chairman of your Special Committee met Judge William D. Lyon, Judge Edgar Coulter and Judge Peter Macdonald when the questions the Judges had raised were fully discussed and on the 2nd of March the Treasurer proposed for the consideration of the Judges' Committee the following revised paragraph (iii):

(a) On ex parte and consent matters before the County Court and Surrogate Court and before the Registrars of those Courts.

(b) On simple contested interlocutory Chambers motions before the County Court and Surrogate Court and the Registrars of those Courts, except in such matters as can only be heard by a Judge of the Supreme Court if such matters are in the Supreme Court.

(c) Subject to the discretion of the Surrogate Court Judge, on the passing of accounts.

On the 10th of March His Honour Judge Lyon advised the Treasurer that the revision was acceptable to his Committee.

Your Special Committee recommends that the amended provisions respecting the activities of Students-at-Law be incorporated in the Rules of the Society and that a new notice to the profession be published in the *Ontario Reports* setting forth the amended provisions as follows:

Articled students-at-law are permitted to appear:

(i) On ex parte and consent matters in Chambers in the Supreme Court of Ontario, and in the Bankruptcy Court.

(ii) On contested motions, consent and ex parte matters before the Masters and Registrars of the Supreme Court and Bankruptcy Court, including taxation of costs.

(iii) (a) On ex parte and consent matters before the County Court and Surrogate Court and before the Registrars of those Courts.

(b) On simple contested interlocutory Chambers motions before the County Court and Surrogate Court and the Registrars of those Courts, except in such matters as can only be heard by a Judge of the Supreme Court if such matters were in the Supreme Court.

(c) Subject to the discretion of the Surrogate Court Judge, on the passing of accounts.

(iv) On examinations for discovery and cross-examination of Judgment debtors.

(v) On Juvenile and Family Court matters.

(vi) On proceedings before administrative tribunals.

(vii) On all summary conviction matters in the Court of first instance, on remands in indictable offences and on bail applications.

THE REPORT WAS ADOPTED.

CORRESPONDENCE

The Secretary presented the following correspondence:

Letter dated February 10, 1971, from David I. McWilliams, Esq., Q.C., Chairman, Minister's Committee on Insurance Claims, advising of the establishment of this Committee, and enclosing a copy of the Terms of Reference, and inviting submissions from the Law Society.

The Treasurer appointed the following Special Committee: Messrs. Cass (Chairman), Bowlby, Finlayson, Levinter and Lochead.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 21st day of May, 1971.

S. L. ROBINS,
Treasurer

MINUTES OF SPECIAL CONVOCATION

Thursday, the 22nd April 1971
1:45 p.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Callon, Cassels, Dubin, Finlayson, Ford, Gray, McLaughlin, O'Brien, O'Driscoll, Pattillo, Robins, Sedgwick, Sheard, Strauss and Thom.

ELECTION OF BENCHERS, 1971

The Secretary laid before Convocation his Certificate made under Rule 14 of The Law Society Act, 1970, certifying the persons elected Benchers.

Pursuant to Rule 15, The Law Society Act, 1970, the Secretary presented the following Report:

The following members have been elected Benchers under Section 15 of The Law Society Act, 1970:

Within Metropolitan Toronto:

1. Arthur Edward Martin Maloney
2. Charles Leonard Dubin
3. Walter Bernard Williston
4. Sydney Lewis Robins
5. John Gerald Joseph O'Driscoll
6. Stuart Douglas Thom
7. Edwin Alan Goodman
8. Bert James MacKinnon
9. Willard Zebedee Estey
10. Austin Morley Cooper
11. Peter deCarteret Cory
12. Wesley Gibson Gray
13. Nathan Strauss
14. George Duncan Finlayson
15. Terence Sheard
16. John Wilson Morden
17. Richard Ian Cartwright
18. Arthur Sydney Pattillo
19. Samuel George McDougall Grange
20. B. Barry Shapiro

Outside Metropolitan Toronto:

1. John Douglas Bowlby
2. Gordon Fripp Henderson
3. Ronald William Cass
4. Stanley Elmer Fennell
5. Thomas Peter Callon
6. Robert Hamilton Carley
7. Francis John Lewis Evans
8. George Herbert Lochead
9. Ralph Douglas Steele
10. Horace Krever
11. George Ernest Wallace
12. Herbert Egerton Harris
13. George Edwin Beament
14. Elmer Walter Sopha
15. The Hon. Walter Edward Harris
16. Mayer Lerner
17. Patrick Stanley FitzGerald
18. John Gerald Michael White
19. John O'Meara Trepanier
20. John Cameron Pallett

Attached hereto is a complete list of those who stood for election showing the number of votes each received and his standing.

The voters' list, made in accordance with Rule 9 in January, 1971, contained the names of 6,905 members entitled to vote in the election. Eight members on the voters' list died before ballots were mailed to the remaining 6,897 members entitled to vote.

At the close of nominations on the 15th of March, 97 members had been properly nominated, 57 from Metropolitan Toronto and 40 from outside Metropolitan Toronto.

On the 29th of March two ballots were mailed to each voter with inner and outer return envelopes. Voting ended on the 15th of April and the following day in the presence of the scrutineers the outer envelope bearing the voters' names were separated from the inner envelopes containing the ballots. Later the ballots were taken out and the votes recorded on punch cards and the information from them transferred to computer tape which was processed on April 21st.

There were 5,051 ballots properly cast for members in Metropolitan Toronto and 5,012 cast for members from outside Metropolitan Toronto. There were 25 spoiled ballots. 30 election envelopes received were unsigned and were not opened or counted. Four election envelopes, although signed, could not be read or identified and were rejected. 45 ballots received had not been filled in. 144 election envelopes were received after the 15th of April, 1971, and were neither opened nor counted. Three election envelopes were received from persons who were not entitled to vote. These were rejected. 10 ballot envelopes received in other than the election return envelopes were neither opened nor counted, because the outer envelopes had been opened with the ordinary mail and not in the presence of the scrutineers. In two instances ballots were so marked that it was unclear for whom the votes were intended to be cast, and these were rejected by the scrutineers.

Wednesday evening, the 21st of April, the scrutineers reported to the Secretary the names of the twenty persons within Metropolitan Toronto and the twenty persons outside Metropolitan Toronto who received the highest number of votes and the Secretary forthwith certified them as having been elected as Benchers.

THE LAW SOCIETY OF UPPER CANADA
BENCHERS' ELECTION, 1971

METROPOLITAN TORONTO

Ballot No.	*Candidates' Names*	*Votes*	*Standing*
32	Maloney, Arthur E. M.	3021	1
14	Dubin, Charles L.	2898	2
57	Williston, Walter E.	2754	3
44	Robins, Sydney L.	2615	4
39	O'Driscoll, John G. J.	2192	5
54	Thom, Stuart D.	2148	6
21	Goodman, Edwin A.	2095	7
37	MacKinnon, Bert J.	2084	8
16	Estey, Willard Z.	1903	9
11	Cooper, Austin M.	1870	10
13	Cory, Peter deC.	1839	11
24	Gray, W. Gibson	1798	12
53	Strauss, Nathan	1754	13
18	Finlayson, George D.	1643	14
51	Sheard, Terence	1611	15
36	Morden, John W.	1554	16
08	Cartwright, Ian	1450	17
40	Pattillo, Arthur S.	1449	18
22	Grange, Samuel G. M.	1399	19
50	Shapiro, B. Barry	1396	20
04	Borins, Stephen	1395	21
25	Griffiths, W. David	1380	22
09	Chappell, Hyliard G.	1341	23
42	Pepper, P. B. C.	1329	24
07	Carthy, James J.	1233	25
19	Ford, Gordon W.	1215	26
45	Rogers, Norman M.	1079	27
23	Gray, R. J.	1077	28
28	Humphrey, David G.	1060	29
46	Rogers, William P.	1056	30
10	Collins-Williams, G.	1051	31
12	Cornish, F. Joseph	990	32
48	Rutherford, R. C.	958	33
41	Pepper, Elliott R.	955	34
06	Bynoe, B. Clive	928	35
33	Mewett, Alan W.	913	36
52	Shuber, Simms	905	37

Ballot No.	*Candidates' Names*	*Votes*	*Standing*
35	Montgomery, R. S.	901	38
43	Roberts, Richard J.	809	39
56	Weisdorf, John	753	40
03	Blaney, James W.	699	41
02	Benson, Philip W.	619	42
29	Joy, Alexander P. G.	606	43
27	Horkins, William E.	584	44
31	Lissaman, Douglas H.	554	45
49	Shand, Clifford E.	544	46
15	Duvernet, Ernest A.	524	47
17	Evans, Lance S.	455	48
47	Rowan, Hugh	454	49
38	MacLennan, Donald J.	437	50
26	Haffey, M. Joseph	426	51
55	Trivett, W. L. S.	404	52
30	Knowles, Henry J. M.	333	53
01	Austin, James W.	331	54
34	Milligan, R. P.	244	55
20	Fulton, Harold E.	234	56
05	Broley, M. Walker	215	57

TOTAL	68464
Total Valid Votes	68464
Total Valid Ballots	5051
Invalid Ballots	20
Total Ballots	5071

OUTSIDE METROPOLITAN TORONTO

Ballot No.	*Candidates' Names*	*Votes*	*Standing*
04	Bowlby, John D.	2410	1
19	Henderson, Gordon F.	2278	2
09	Cass, Ronald W.	2193	3
15	Fennell, Stanley E.	2092	4
06	Callon, Thomas P.	1999	5
07	Carley, Robert H.	1949	6
14	Evans, F. John L.	1793	7
25	Lochead, George H.	1711	8
34	Steele, Ralph D.	1703	9
22	Krever, Horace	1696	10

Ballot No.	*Candidates' Names*	*Votes*	*Standing*
37	Wallace, George E.	1651	11
17	Harris, H. Egerton	1613	12
03	Beament, G. Edwin	1602	13
33	Sopha, Elmer W.	1573	14
18	Harris, Walter E.	1543	15
24	Lerner, Mayer	1452	16
16	FitzGerald, P. S.	1436	17
38	White, John G. M.	1347	18
36	Trepanier, John O.	1243	19
30	Pallett, John C.	1232	20
40	Zahoruk, Harry W.	1214	21
31	Seagram, Charles J.	1094	22
32	Shepherd, Albert E.	1079	23
39	Willoughby, L. S.	1062	24
21	Hewitt, Adrian T.	981	25
28	McPherson, Leon Z.	953	26
02	Bailey, William H. C.	877	27
29	Newell, W. Alan	857	28
35	Thomas, Eileen M.	848	29
12	Depew, John H. H.	839	30
20	Henderson, John E.	830	31
27	McCart, John F. M.	801	32
26	Marks, Ernest	620	33
11	Cwinn, Sidney V.	530	34
08	Carter, Francis G.	509	35
01	Alexandrowicz, G. W.	495	36
05	Buchner, William R.	495	37
10	Collins, Victor B.	495	38
23	Laughton, C. Van	334	39
13	Drache, Arthur B. C.	307	40

TOTAL	49736
Total Valid Votes	49736
Total Valid Ballots	5012
Invalid Ballots	5
Total Ballots	5017

THE REPORT WAS RECEIVED.

CONVOCATION THEN ROSE.

MINUTES OF CONVOCATION

Friday, May 21, 1971
10 a.m.

PRESENT:

Messrs. Beament, Bowlby, Callon, Cass, Carley, Cartwright, Clement, Cooper, Cory, Dubin, Estey, Evans, Finlayson, Fennell, FitzGerald, Goodman, Grange, Gray, H. E. Harris, Henderson, Howland, Krever, Levinter, Lochead, Maloney, Morden, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pallett, Pattillo, Raney, Robinette, Robins, Shapiro, Sheard, Slemin, Sopha, Steele, Strauss, Thom, Trepanier and Wallace.

Mr. Terence Sheard, Q.C., was elected Chairman.

ELECTION OF TREASURER

Mr. Sydney Lewis Robins, Q.C., was elected Treasurer for the ensuing year. Mr. Robins took the Chair and thanked the Benchers for the high honour they had conferred upon him. He said he was looking forward to the challenges and opportunities of the office of Treasurer and would do his utmost to meet the high standards set by his predecessors and justify Convocation's confidence in him.

"These are," he stated, "challenging and exciting times in which we find ourselves — times in which fundamental institutions, traditions, and concepts of the law are under scrutiny as never before. In such a period of flux, we as leaders of the legal profession must be especially sensitive to the changes in progress. We must seek new ideas and new ways and means to enlarge the capacity of our profession to serve the public and to meet the needs and responsibilities of this changing society." He expressed the hope that this new Convocation would provide the lawyers of Ontario with a high quality of progressive leadership and would make a significant contribution to the advancement of the profession.

The Treasurer reviewed the current work of the Society and its Committees. He stressed the particular importance of the issues before the Special Committee on Legal Education and noted that this Convocation would be called upon to make policy decisions concerning legal education of major importance to the profession and the public.

Great strides have been made in Continuing Education and the Society must continue to foster and expand this programme and continue to do its utmost to improve the quality of legal services to the public. Lawyers must, he said, be provided with regular and frequent opportunities to keep abreast of current developments in the law, to refresh their knowledge and to improve their practical skills and techniques.

Specialization in law practice, the Treasurer continued, is a difficult and delicate topic but one in respect of which the profession must eventually arrive at a conclusion. Is specialization to be formally acknowledged or not, and if so, under what circumstances? The Treasurer suggested that the Benchers encourage debate and dialogue within the profession on this important subject and that the Committee on Specialization undertake an empirical study of the actual state of contemporary practice in Ontario.

Claims against the Compensation Fund will be expedited with the recent appointment of referees to hear such claims. The Treasurer expressed the view that the time had arrived when the present limitations on amounts payable out of the Fund in respect to any one solicitor to any one client should be removed or substantially increased and he was hopeful that Convocation would shortly give consideration to this matter.

The Legal Aid Committee has under consideration the special problem of the chronic poor. It is presently studying new approaches to legal aid designed to ensure that legal services, provided by lawyers under The Legal Aid Plan, are in fact available to all disadvantaged persons. The Treasurer stated that he was confident that any problems in legal aid would be satisfactorily resolved.

The Minutes of Convocation of April 16th and of the Special Convocation of April 22, 1971, were read and confirmed.

APPOINTMENT OF AUDITOR

Moved by Mr. Beament, seconded by Mr. Gray, that Messrs. Clarkson Gordon & Company be appointed Auditors of the Society for the period of one year from July 1, 1971, at an annual fee of $3,000. *Carried*

CANADIAN BAR ASSOCIATION

Moved by Mr. Steele, seconded by Mr. Strauss, that the Treasurer and Mr. R. W. Cass be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1971. *Carried*

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Moved by Mr. H. E. Harris, seconded by Mr. Pattillo, that the Treasurer be appointed the Society's representative on the Executive of the Conference of Governing Bodies of the Legal Profession in Canada. *Carried*

SENATE, UNIVERSITY OF TORONTO

Moved by Mr. Callon, seconded by Mr. Evans, that Mr. G. D. Finlayson be appointed the Society's representative on the Senate of the University of Toronto for the balance of the Quadrennium 1968-72. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 13th day of May, 1971, at 2:30 p.m. the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Callon, Cass, MacKinnon, Maloney, Sheard and Slemin.

GOVERNMENT GRANT

The Society has received a grant of $250,000 from the Provincial Government for the 1971-72 Bar Admission Course. In addition the government has confirmed the annual payments of $75,000 per year for five years beginning in 1970-71 to be applied against the cost of building renovations in the Bar Admission Course area.

PETITIONS

Of the 16 candidates who failed the Bar Admission Course this year, 13 petitioned. The petitions were heard by your Committee and its recommendations will appear later in this report.

Your Committee recommends that the procedure by which petitions should be dealt with be referred for consideration to the Advisory Committee on Examinations consisting of the Director of the Bar Admission Course, Mr. Melville O'Donohue, Q.C., and Mr. Jeffrey K. Smith to report to your Committee with recommendations in June. The Advisory Committee is already considering whether individual student ranking should be abolished and whether examination results should be disclosed.

Employment of Graduates. The Director reported that 20 graduates of the 1970-71 Bar Admission Course are still seeking employment. The Bar Admission Course notice board lists 29 vacancies, five in Toronto and the remaining 24 outside the city.

Articling. Since the Treasurer's letter of May 5th respecting articling was sent out to the profession 451 replies have been received. Most have simply returned the questionnaire completed but others have enclosed letters.

As of the 12th May there appeared to be 56 students still seeking articles:

Osgoode Hall	14
University of Toronto	7
University of Western Ontario	6
University of Ottawa	6
Queen's University	20
University of Windsor	3
	56

The Bar Admission Course Placement Service shows eight Toronto positions open and three openings out of town.

James Alan Hodgson. Mr. Hodgson asks that he be allowed to postpone entering the Teaching Period of the Bar Admission Course until September, 1972, to attend a post-graduate course at the University of Michigan Law School. *Approved*

Shaun R. Hennessy petitioned to be relieved of serving under articles from June 1st to September 1st, 1971.

After giving careful consideration to the petitioner's particular circumstances your Committee recommends he be informed that in view of the present regulations and particularly Regulation 26(4), his petition cannot be granted.

Your Committee also met on the 13th April, 22nd April and the 3rd May, 1971, the following members being present: Mr. S. L. Robins, Chairman, Mr. W. G. Gray, Vice-Chairman, and Messrs. Finlayson, MacKinnon, Maloney, Pattillo, Sheard and Thom.

Six petitions of candidates who had failed the Bar Admission Course were heard on the 13th of April and those members who sat on that day were also present on the 3rd of May and they alone considered and decided those petitions. Seven petitions were heard on the 22nd of April and again only those who were present took part in the decision which was reached on the 3rd of May. Of the petitioners nine attended with Counsel and made submissions, two attended without Counsel and made submissions, and two did not attend and filed written submissions.

Having considered each petition carefully and heard the submissions made with respect to them, your Committee recommends that all petitions be denied except the petition of Charles Scullion which your Committee recommends be granted in the circumstances and that he be called to the Bar.

After presenting the Report and moving its adoption, Mr. Gray referred to a letter written on behalf of Mr. Colin Campbell by his counsel, Mr. Roy McMurtry, seeking an opportunity to make further submissions on Mr. Campbell's behalf. Convocation considered whether to hear Mr. McMurtry.

Moved by Mr. Maloney, seconded by Mr. Dubin, that Mr. McMurtry be heard. *Carried*

Messrs. Cartwright, Evans and Thom took no part in the discussion and did not vote.

Mr. McMurtry and the petitioner attended and Mr. McMurtry made submissions.

Moved by Mr. Maloney, seconded by Mr. Bowlby, that the Report be amended to provide that Mr. Campbell be given Pass Standing in the Bar Admission Course, and called to the Bar. *Lost*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Thursday, 13th day of May 1971, at 2:00 p.m., the following members being present: Mr. R. W. Cass in the Chair, and Messrs. Beament, Callon, MacKinnon, Robins, Sheard and Slemin.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Twelfth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Barbara Joan Reed

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulations — Part II-No. 2

521. COHEN, Joel Louis, B. Comm. Ottawa 1967; LL.B. Queen's 1970.

522. GOLDBERG, Stanley David, B.A. Waterloo 1967; LL.B. Queen's 1970.

Approved

DIRECT TRANSFER FROM QUEBEC

Frank Fred Hubscher was called to the Bar of the Province of Quebec in September, 1951, and has practised in that Province since that time. He presents a certificate of good standing from the Bar of the Province of Quebec and seeks to proceed under Regulation 4(3).

Approved

DIRECT TRANSFER OF NOTARY FROM THE PROVINCE OF QUEBEC

Eric Bruce Moidel (B.A. McGill, 1954; LL.L. Universite de Montreal, 1957) was admitted to the Order of Notaries for the Province of Quebec in June, 1958. Mr. Moidel seeks to proceed under Regulation 4(3) subject to presenting a certificate of good standing. He states that since early 1968 he has been in Florida.

Your Committee recommends he be advised he does not qualify under the Society's Regulations.

COMMONWEALTH TRANSFERS

The Committee considered and approved applications from the following to transfer to practice in Ontario from other jurisdictions in the Commonwealth:

Krishan Kumar Cuccria (B.A. Punjab University, India 1956; LL.B. Punjab, 1959).

K. Venkoba Rao (LL.B. University of Madras 1932; LL.M. University of Madras, 1934).

Jivraj Shamji Manek (B.A. Gujarat University 1955; LL.B. Gujarat University 1957).

PETITIONS

The Committee dealt with the petitions of four students-at-law who had been late in filing admission forms.

OCCASIONAL APPEARANCES

Ronald Gordon Cummings, Edmonton, Alberta, has applied to proceed under the Admission Committee's Regulation 10 governing "Occasional Appearance in Ontario" of lawyers from other provinces. *Approved*

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the Faculty of Law, University of Ottawa, asks to be Called to the Bar and admitted as a solicitor without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200.

Emilio S. Binavince, LL.B. (Manuel L. Quezon University, Manila); M.C.L. (Tulane University, New Orleans); LL.M. (Harvard University) Cert. of Advanced Legal Studies; (University of Bonn), Member of Philippines Bar.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May, 1971, is before the Committee. One candidate sat the examination. The following candidate has passed:

Gerald Gregory Brodsky. *Approved*

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-Law was conferred upon her by the Treasurer:

BARBARA JOAN REED

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: Messrs. Sheard, Chairman, Beament, Callon, Fennell, Gray, Robins and Steele.

ACCOUNTS

The Secretary reports that from the 1st day of April to the 30th April, 1971, accounts, including Library Accounts, properly approved, to the amount of $97,766.23 have been paid.

Approved

FINANCIAL STATEMENT, 1st July 1970 to the 30th April 1971.

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July, 1970, to the 30th April, 1971. *Approved*

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society is in abeyance:

James E. Brown, Q.C., Brantford: Called — 18 September 1941; Appointed County Court Judge, Norfolk County, April 13, 1971.

G. George Nicholls, Q.C., St. Catharines: Called — 17 September 1953; Appointed County Court Judge, Welland County, April 13, 1971.

Deaths

The following former members of the Law Society have died:

William Roy Willard, Toronto (Honorary Life Member)	Called—23 September 1915; Deceased—March 1971.

Laurie E. Dorey, Ingersoll	Called—21 February 1958; Deceased—April 1971.
Charles W. Yates, Q.C., Toronto	Called—20 October 1932; Deceased—22 April 1971.
Hugh E. Fleming, Q.C., Cobourg	Called—19 September 1929; Deceased—30 April 1971.

Noted

TERMINATION OF SUSPENSION

The following members of the Society who were suspended from practice on the 19th February, 1971, for non-payment of their annual fees, have now paid their fees and have been restored to the practising roll:

David Robert King Rose, Toronto.
Harold Arthur Sanders, Jackson's Point.
Auguste Vincent, Montreal, P.Q.

The following members of the Society who were suspended from practice on the 16th April, 1971, for non-payment of their annual fees, have now paid their fees and have been restored to the practising roll:

Ivan S. Johnson, Sudbury.
Gerald E. Langlois, Hawkesbury.
Grant R. McCready, Windsor.
Gordon C. Pelletier, Australia.
Michael T. Wadsworth, Toronto.

Noted

PRACTISING CERTIFICATES

Re: Louis H. Carreau, Q.C., Ottawa

Mr. Carreau retired from practice in 1968 and has not been gainfully employed since then except for two instances when he assisted an inventor to prepare a patent application. He applied under Rule 50 to be allowed to continue his membership in the Society at a fee of $25. It was not clear whether he had engaged in practice, nor to what extent he had been employed and in November, 1970, your Committee rejected his application. At its meeting on April 8th, 1971, when further information was available the Committee directed that the matter be brought back to this meeting so that his Application under Rule 50 could be reconsidered. *Approved*

RESIGNATIONS

Re: Peter R. Hylton, Cayman Islands

Mr. Hylton is now practising in the Cayman Islands and does not expect to return to Ontario to resume the practice of law in the near future. In view of the amount of the annual fee required to be paid by him to retain his membership in the Law Society, he asks that he be allowed to resign his membership.

Mr. Hylton has filed his Declaration as to clients' trust funds. He was Called to the Bar in 1960.

A letter from Mr. Hylton is before the Committee.

Approved

Re: I. B. Lucas, Q.C., Markdale

Mr. Lucas has sold his law practice and applies to resign his membership in the Society.

Your Committee recommends that Mr. Lucas be informed that since he has been engaged in practice since November, 1970, he must pay his fees for the current year and file the necessary report of a public accountant.

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

RE: ERRORS AND OMISSIONS INSURANCE

Re: Pro-rating of levy and premium — Refunds

At present no pro-rating of the levy or premium has been authorized and all who have been Called to the Bar since January, 1971, or who have returned to practice since then have been required to pay the full levy of $110.

The Secretary has discussed the matter with Mr. Peter Norman and recommends that —

1. Those entering practice in January, February or March pay — $110.
2. Those entering practice in April, May or June pay — $85.
3. Those entering practice in July, August or September pay — $60.
4. Those entering practice in October, November or December pay — $35.

It is not suggested that refunds be given. The coverage continues after a member ceases practice with respect to occurrences during his practice which are discovered later.

Approved, subject to arrangements being made with respect to graduates of the Bar Admission Course so that they will pay $85; and subject also to agreement by the Insurance Company.

Re: Exemptions for Academics

Professor Soberman, Dean of the Faculty of Law of Queen's University, wrote to the Treasurer suggesting that academic lawyers who confined their private practice to giving opinions, doing government research, and "free practice" such as acting in an advisory capacity to legal aid groups, etc., should be exempt from the Society's Errors and Omissions Insurance Plan.

Your Committee recommends that no exemptions can be made for academic lawyers who engage in practice.

BAR ADMISSION COURSE — *Staff*

Miss Linda Tomkinson has been engaged as a dicta-typist.

Your Committee recommends approval of the following additions to the staff of the Bar Admission Course:

Clerk typist 4
Clerk Typist 3
Junior printer
Bindery operator

Re: MT/ST automatic typewriter

Your Committee also recommends that a MT/ST automatic typewriter be rented on approval, and if satisfactory to be rented at a monthly cost of $350.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF ONTARIO

The Institute of Chartered Accountants of Ontario has sought, through the Bar Admission Course, the use of the following rooms from May 30th to June 25th for the purpose of conducting continuing education lectures:

Lecture Hall — R-102

Seminar Rooms — R-313, 314, 317, 318, 324

Administrative Offices — R-143, 144.

A letter from Mr. Keith Robinson, the Institute's Director of Education, addressed to the Director of the Bar Admission Course, is before the Committee.

Your Committee recommends approval at a cost-defrayment payment to be approved by the Chairman.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE — Mr. Evans

COMPENSATION FUND

FOR THE PERIOD 1st JULY, 1970 to 30th APRIL, 1971

		Month of April, 1971		**10 months ending 30 Apr. 1971**	
Balance on hand—30th June, 1970					$1,225,491.67
RECEIPTS					
Fees—6,252 at $30.00		$ 1,380.00		$187,560.00	
Income—Investment					
—Gov. of Can.	$6,000.00		$14,250.00		
—Guar. Dep. Int.	1,979.40		56,613.59		
—Bank Interest	468.49	8,447.89	935.27	71,798.86	
Recoveries—Wineberg		—	4,200.17		
—Archibald Young		—	589.74		
—G. R. R. Frame		—	1,876.15	6,666.06	
Profit on Sale of Bonds		3,750.00		3,750.00	269,774.92
		$13,577.89			$1,495,266.59

DISBURSEMENTS

Grants—Szczeglik (1)	—	$ 2,241.60		
—Marentette (1)	—	9,500.00		
—Pivnick (12)	—	33,268.11		
—Frame, G. R. R. (7)	375.00	12,365.97		
—Fitzpatrick (2)	—	5,459.68		
—J. E. Harris (3)	2,000.00	7,327.00		
—J. L. Chapman (1)	—	865.00	71,027.36	
Counsel fees, Reporters, etc.	95.00		13,912.99	
Fee refunds	—		300.00	85,240.35
	$11,107.89	BALANCE — 30/4/71		$1,410,026.24

OUTSTANDING CLAIMS

Claims outstanding 31st March, 1971		$2,275,927.81
Received during period—Frame (1)	$ 748.00	
—Harris (1)	13,500.00	
—Caplan (2)	11,000.00	25,248.00
		$2,301,175.81
Dismissed during period	$73,375.00	
Paid (Amount of Original Claims)	9,048.00	82,423.00
Claims outstanding 30th April, 1971		**$2,218,752.81**
TOTAL CLAIMS PAID to 30th April, 1971 (754 on account of 74 former solicitors)		$2,341.740.03

THE REPORT WAS RECEIVED.

Application of Lloyd A. Fitzpatrick for re-admission

Moved by Mr. Evans, seconded by Mr. MacKinnon, that the application be referred to the Discipline Committee.

Carried

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 13th day of May, 1971, at 9:15 o'clock in the morning, the following members being present: Mr. S. E. Fennell, Chairman, Mr. P. B. C. Pepper, Vice-Chairman, and Messrs. Bowlby, Evans, Ford, Goodman, Gray, MacKinnon, Maloney, Slemin and Strauss.

1. Ruling 2 — Acting for Both Sides

Your Committee has noted a recent decision of the Court of Appeal, Regina vs. DePatie, 1971, 1 O.R. at p. 698. It is your Committee's wish to draw the profession's attention to this decision it being noted that a conflict of interest may not only affect the lawyer involved but could also affect the rights of his client.

2. Ruling 30 — Public Appearances by Solicitors

Mr. Maloney brought to your Committee a request from the Canadian Broadcasting Corporation, concerning the participation of a member or members of the profession in a certain programme of a legal nature. Your Committee expressed the view that there was no objection to this but indicated that those who are participating would be bound by the Professional Conduct Rulings relevant to such an appearance.

3. Miscellaneous

Your Committee considered a letter from a lawyer. He was concerned that a telephone conversation that he had carried on with a fellow lawyer concerning a litigious matter had apparently been tape-recorded without his first being advised that this was being done. The lawyer asked your Committee's view as to this practice. The Secretary was instructed to write to the lawyer referring him to part 4 of the Canons of Ethics, subsection 1, in the Professional Conduct Handbook, which states that a lawyer's "conduct towards his fellow lawyer should be characterized by courtesy and good faith". The lawyer is also to be informed that it is your Committee's opinion that a solicitor should not make a tape or recording of a conversation with a fellow lawyer without first advising him that the conversation was being so recorded.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: Messrs. Steele (Chairman), Ford, Cassels, Strauss, Maloney and Harris, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 30th April, 1971, were approved as follows:

	Great Library		
	Books	*Salaries*	*Sundries*
Estimates	$35,000.00	$102,812.00	$6,000.00
Expenditures	28,735.20	88,567.37	959.01

	Special Account
Estimates	23,472.52
Expenditures	1,312.82

	Bar Admission Course Library	
	Books	*Salaries*
Estimates	18,000.00	10,500.00
Expenditures	9,984.88	5,134.80

GIFTS AND DONATIONS

Mr. Alfred S. Marriott, Q.C., has donated one copy of Holmested and Langton, *Ontario Judicature Act*, 5th ed., Toronto, Carswell, 1940, and one copy of MacRae, *Supplement to the Ontario Judicature Act*, 1943.

Professor Meher K. Master, M.A., LL.M., of the Faculty of Law, University of Manitoba, Winnipeg, Manitoba, has donated copies of his *Report of Research in Canadian Family Law (Reciprocal Enforcement of Maintenance Orders Act)*, which was recently published.

His Honour the late Judge E. L. Weaver donated 23 volumes of the *Canada Law Reports, Exchequer Court*, which were received following his death on 12th April, 1971. *Noted*

RENOVATIONS AND EXTENSIONS — GREAT LIBRARY

The Chief Librarian reported on the arrangement of books and allocation of reading space in the Great Library as they will be when renovations are complete. These renovations provide for an increase in the allotment of reading space. Mr. Heeney, the Society's architect, was also present.

BOOK LIST

A list of book purchases for the Great Library was approved as amended.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amounts which each should receive under the Rules for the year 1971 and the amount received in 1970 are as follows:

	1971	*1970*	
Algoma	$1,985	$2,000	
Kenora	750	750	
Nipissing	919	867.67	
Norfolk	1,710	1,553.34	
Ontario	2,000	2,000	
Parry Sound			
Grant $750) Less Loan— 200)	550	550	(Grant— $750 (Less Loan— 200

Approved

The loan of the Parry Sound Law Association is now repaid.

Noted

REPORTING

WEEKLY SUMMARY OF APPEAL CASES

On 16th April, 1971, Convocation approved the principle of making the weekly summaries of the judgments of the Court of Appeal available to the profession and subject to the approval of the Judges' Library Committee directed that copies of the summaries be distributed immediately to each County and District Law Library. Convocation also directed that the matter of publishing the summaries in the weekly issues of the *Ontario Reports* be discussed with the Judges' Library Committee.

The Judges' Library Committee has now given their approval to these summaries being made available to the profession, either by furnishing copies to the Great Library and each County and District Law Library or by publication in the *Ontario Reports*. However, the Judges' Library Committee first wish to approve a form of notice to accompany the summaries and this is being pursued.

Your Committee is pursuing the matter of publishing the summaries in the *Ontario Reports* and will make a further report.

ADVERTISEMENT IN THE ONTARIO REPORTS

Your Committee had before it a proposed advertisement from a Toronto firm of solicitors respecting the election of one of the firm's members to the office of Bencher. The firm of solicitors was asking the Society's approval to insert this advertisement in the *Ontario Reports.*

Your Committee recommends that the firm of solicitors be advised that the *Ontario Reports* are not a proper medium to be used for the circulation of material concerning candidates and their qualifications for election to the office of Bencher.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Bowlby, Cass, Fennell and Steele.

ADVERTISEMENTS

Several advertisements offering services respecting divorces and an advertisement offering services respecting the incorporation of companies were referred to Counsel for investigation and with authority to prosecute if he deemed it advisable. These advertisements have appeared recently in Toronto newspapers.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on the 20th day of May, 1971, the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby, H. E. Harris, Lochead, Steele and R. F. Wilson.

CANADIAN BAR ASSOCIATION PUBLIC RELATIONS

—Mr. Clyde Batten

Your Committee, after obtaining further information, confirms the recommendation made in its report to Convocation of the 8th of April, 1971, that the Society agree to participate for one year in the scheme proposed by Mr. Clyde Batten and that $4,000 be paid to the Canadian Bar Association in two instalments provided that all regions of Canada also participate in the plan and on the basis that the proposal be approved for one year.

LAW SOCIETY COUNCIL

The Chairman has been asked to speak to the next meeting of the Law Society Council on the subject of Public Relations and the Society's work in that field. Your Committee approves of the Chairman speaking to the June meeting of the Law Society Council on the work of the Society's Public Relations Committee.

THE REPORT WAS ADOPTED.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Wednesday, the 12th day of May, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Bowlby, Fairbairn, Killeen, Lochead and Robins.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 96 of the Regulation for the year ended March 31st, 1971.

This report summarizes the statistical and financial performance of the Ontario Legal Aid Plan for its fourth year of operation ended March 31st, 1971.

The figures for the previous fiscal year ended March 31st, 1970, are shown in this report and a comparison of the two sets of figures discloses the substantial increase in activity which characterized the fourth year of operation.

(b) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of March, 1971.

This final monthly financial report for the fiscal year ended March 31st, 1971, indicates that the Plan spent approximately $2 million in excess of the cost as originally estimated in September, 1969. That original estimate called for a contribution from the Government of Ontario in the amount of $8.160 million and in fact the government contributed $10.221 million. The additional contribution required is analyzed as follows:

Duty Counsel fees and disbursements	$79,645
Legal Aid fees and disbursements:	
Criminal	885,459
Civil	725,570
Legal Advice	47,758

Administrative Expenses	224,417
Balance in Fund at end of year	118,920
	2,081,769
Less:	
Balance in Fund at beginning of year	15,762
	2,066,007
Less:	
Excess Recoveries	3,958
	2,062,049

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 12 months ended March 31st, 1971.

For the 12 months ended March 31st, 1971, the activity of the Legal Aid Plan can be summarized as follows:

	1969/70	*1970/71*	*% Increase*
Informal applications	32,299	38,558	19
Forms 2 Received	51,792	66,235	28
Certificates Issued	42,300	54,963	30
Persons Assisted by Duty Counsel	76,143	87,423	15

(b) The Controller submitted a statement for approval of solicitors' accounts for services rendered the Legal Aid Plan.

(c) The following leases were approved by your Committee:

i) *Counties of Northumberland and Durham* — 98 King St. West, Cobourg.

ii) *Counties of Leeds & Grenville* — 2 Court House Ave., Brockville.

iii) *County of Brant* — 113 Darling St., Brantford.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of April, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of April, 1971.

LIMITATION OF CERTIFICATES

Your Committee considered correspondence from Mrs. Gretta J. Grant, Area Director, Middlesex County, with respect to a submission by the Trustees of the Middlesex Law

Association wherein the Law Association recommended lifting the restriction of 75 criminal legal aid certificates per fiscal year.

The Committee also considered correspondence on the same subject from H. S. Taggart, Q.C., President, Middlesex Law Association to John Basset, Chairman of the Steering Committee of the Law Society Council.

After a full discussion of this matter your Committee instructed the Director to write the Area Directors requesting their confidential opinion on whether the restriction of 75 criminal legal aid certificates per fiscal year should be lifted.

It was felt that a sub-committee of the Legal Aid Committee should be appointed to review the limitation, taking into consideration the Area Directors' comments.

The Director was also instructed to write Mrs. Gretta Grant, Q.C., and H. S. Taggart, Q.C., informing them that the matter is presently under consideration.

STUDENT LEGAL AID SOCIETIES

On the recommendation of L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, the Committee approved the employment of law students at the Universities of Windsor, Western and Queen's during the summer months. An expenditure of $3,200 has been approved for each university based upon $1,600 per student per summer.

The Committee also approved the employment of two students for the summer months by the York County Area Director's office.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal aid committee for an area.

Your Committee recommends that the following be appointed members of the legal aid committee for the respective areas:

Essex County

Dalton Charters, Solicitor, Windsor
Edward J. Dube, Solicitor, Windsor
Charles E. Hickey, Solicitor, Windsor.

Lincoln County

Milton F. Pummell, Board of Governors, Niagara College
Donald Taliano, Solicitor, St. Catharines.

Perth County
David L. Holmes, Probation Officer, County of Perth
J. M. Skinner, Solicitor, Stratford
P. C. Hill, Solicitor, Stratford
W. E. Byers, Solicitor, Stratford.

The following *resignations* were noted:

Essex County
C. Owen Spettigue, Solicitor

Lincoln County
Larry A. Lillico, Q.C.

Perth County
W. M. Pratt, Q.C.
J. D. Ferguson, Solicitor.

Your Committee met on Thursday, the 20th day of May, 1971, the following members being present: Mr. John D. Bowlby (in the Chair) and Messrs. Beament, Cass, Fairbairn, Levinter, Lochead, Poole and Robins.

F. J. CORNISH, Q.C. — REPORT

At its meeting on January 15th, 1971, Convocation adopted the following: "Your Committee recommends that F. Joseph Cornish, Q.C., be retained to report to the Committee on the question of whether the Legal Aid Plan is so administered in the Municipality of Metropolitan Toronto that legal services are effectively available to all those persons entitled to such legal services, with particular reference to the 'chronic poor', and if not, to suggest ways in which legal services under the Plan be more effectively provided."

On May 12th, 1971, Mr. Cornish submitted his report to the Committee. A special meeting was called for Thursday, May 20th, 1971, to discuss the report in detail.

After a brief discussion your Committee moved that the Report be tabled in the Committee and that a Sub-Committee be appointed to study the report and discuss it with Mr. Cornish.

LEGAL AID AND THE CHRONIC POOR

Your Committee instructed the Director to authorize Area Directors in legal aid areas he considers appropriate to carry out pilot projects similar to that authorized in Ottawa to determine whether Legal Aid is reaching the chronic poor.

On February 19th, 1971, Convocation approved the Legal Aid Committee's recommendation that James B. Chadwick, Area Director, Carleton County, be requested to evaluate the needs of the community by setting up a trial programme for a period of three months along the following lines:

(a) the placing of a civil duty counsel in depressed areas to give persons advice on legal matters and to process applications for legal aid where necessary — the duty counsel to be present in the evening rather than during the day;

(b) arrange for the attendance of duty counsel to go with the "Community Service Team" into the depressed areas of the community and to act in the same capacity as duty counsel as outlined in paragraph (a);

(c) to place notices and announcements in the various community papers as to the availability of duty counsel in such depressed areas — the announcement to be directed through a local community paper rather than a daily newspaper.

Your Committee was of the opinion that such projects in other areas would facilitate the assessing of the legal aid needs of people in depressed areas.

The Committee further recommended that the Minister of Justice and Attorney General be informed before any announcement of the proposed project is made.

THE REPORTS WERE ADOPTED.

CONVOCATION ADJOURNED for luncheon at 12:30 p.m.

CONVOCATION RESUMED at 2:30 p.m., the following members being present: The Treasurer and Messrs. Beament, Carley, Cartwright, Cass, Clement, Cooper, Cory, Evans, Fennell, FitzGerald, Goodman, Grange, Gray, H. E. Harris, Henderson, Krever, Lochead, Morden, MacKinnon, O'Brien, O'Driscoll, Pallett, Shapiro, Sheard, Slemin, Steele, Trepanier and Wallace.

SPECIAL COMMITTEE ON PLANNING—Mr. Fennell

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: Mr. Fennell, Chairman, the Treasurer Mr. G. Arthur Martin, Messrs. Beament, Henderson and Steele, and Miss McCormick.

Your Committee met with Mr. George T. Mitches (Chairman) and Mr. A. E. Jeffery of the Education Research Foundation of Middlesex. This Foundation has placed on computer tape all Ontario Education Statutes and Regulations. Its main source of financing to date has come from personal sources.

Mr. Mitches advised that the Foundation is now ready to market its product but needs outside financial assistance to do this and continue its research. The Foundation has already received offers from private industry but would prefer to follow the Society's guide lines as expressed in the statement of policy adopted by Convocation in March, 1971. Mr. Mitches stated that the Foundation would be approaching the Ontario Government for support and financial assistance and advising the Government that if none were forthcoming then the Foundation would have to look to private industry for support.

Your Committee told Mr. Mitches and Mr. Jeffery that it was grateful to the Foundation for keeping it advised.

THE REPORT WAS RECEIVED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: P. B. C. Pepper, Chairman, and Messrs. Cass, Sheard and Steele.

Your Committee recommends that a further grant of $500 be made to the wife of a member of the Society.

THE REPORT WAS ADOPTED.

Moved by Mr. Sheard, Seconded by Mr. Evans, that Mr. P. B. C. Pepper be appointed a member of the Special Committee on J. Shirley Denison Bequest. *Carried*

DISCIPLINE COMMITTEE—Mr. Evans

Re: HOWARD LAWRENCE COLEMAN, Toronto

The Solicitor and his Counsel, Mr. Claude R. Thomson, attended.

The Decision of the Discipline Committee was read by the Secretary.

Convocation, after affording the Solicitor and his Counsel an opportunity to dispute the Decision, accepted the Decision of the Discipline Committee composed of Mr. Harvey McCulloch, Chairman, and Messrs. Ford and H. E. Harris, finding the Solicitor guilty of professional misconduct in that he misappropriated in excess of $4,000.

Convocation informed the Solicitor and his Counsel that a motion to disbar had been made.

The Solicitor's Counsel made submissions and tendered the Solicitor's resignation, and also made submissions with respect to penalty.

Convocation, after considering all the circumstances, including the recommendation of the Committee with respect to penalty, ordered that Howard Lawrence Coleman be disbarred as a Barrister and that his name be struck off the Roll of Solicitors, and that his membership in the Law Society of Upper Canada be cancelled.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Beament

Your Committee met on Thursday, the 13th day of May, 1971, the following members being present: Mr. Cassels, Chairman, and Messrs. Beament and Gray.

Your Committee were advised that up to 10 display cabinets may be available for purchase from the Royal Ontario Museum and your Committee recommends that an offer be made to the Museum to purchase the 10 cabinets at a total price of $4,500 (or $450 each). Your Committee has sufficient funds in its budget to cover this expenditure.

PRESENTATIONS

Mr. W. R. Ballard of Newmarket, Ontario, has presented to the Society photographs including one of Osgoode Hall and one of the Great Library, both taken in 1884. These photographs were found in the family home (built in 1842) of the late Sir Aemilius Irving. Sir Aemilius Irving was a Treasurer of the Law Society from 1893 to 1913.

Mr. E. C. Hill, Solicitor in Lindsay, Ontario, has presented Law Society Examinations for the year 1927, 1928 and 1929.

Mr. W. G. Welby, Q.C., of Hamilton, Ontario, has presented a number of documents relating to the late William Lynn Smart who was a Deputy Judge for the County of Wentworth in the 1870's. Included among the documents is the Certificate of Admission of William Lynn Smart to the Law Society dated the 25th of July, 1864.

Mr. E. F. Raney, Q.C., of Dunnville, Ontario, has presented the Certificate of Admission to the Law Society of Mr. Charles Henry King dated 18th February, 1854. This Certificate was signed by Robert Baldwin, the then Treasurer of The Law Society and former Joint Leader of the Baldwin-Lafontaine Government in 1842-43 and 1848-51.

THE REPORT WAS ADOPTED.

REPORT OF THE LAW SOCIETY COUNCIL

The Treasurer presented the Report of The Law Society Council:

LAW SOCIETY COUNCIL

Report to the Lieutenant-Governor-in-Council and to Convocation

The Law Society Council met at Osgoode Hall on February 26th, 1971, beginning at 10 a.m. The following were present:

Miss Mary E. Aitken, John Bassett, Sr., Thos. G. Bastedo, G. E. Beament, J. Donald Bell, Donald A. Blenkarn, J. D. Bowlby, H. J. Bradley, J. J. Broderick, P. A. Burns, P. J. Burns, Roy Cairns, George A. Calder, T. P. Callon, R. W. Cass, Thomas A. Cline, W. B. Cunningham, F. J. L. Evans, S. E. Fennell, John P. Filipovic, John Finley, G. W. Ford, J. P. Giffen, Murray Haesler, G. F. Henderson, Murray J. Hennessey, J. M. Hodgson, John Jacob, Wm. R. Kay, J. F. Kelleher, Thomas J. Lally, Roger Lapalme, Andrew Lawson, H. D. Logan, James MacDonald, R. M. MacFarlane, B. J. MacKinnon, Hubert E. Mantha, G. Arthur Martin, Miss L. Dorothy Martin, E. G. McNeely, Andrew H. McTavish, M. J. Moriarity, R. E. Mountain, Charles Munro, Samuel Murphy, Reginald J. Myers, J. G. J. O'Driscoll, Patrick O'Keeffe, P. B. C. Pepper, W. H. Prince, S. L. Robins, Terence Sheard, Professor Dan Soberman, R. D. Steele, G. A. Stiles, R. A. Stradiotto, Nathan Strauss, Peter J. Sturdy, H. E. S. Sugg, H. S. Taggart, Michael Tesluk, Stuart Thom, B. C. Thompson, Robert C. Thompson, C. Van Laughton, Robert Waller, Wm. E. Ward, Richard N. Waterous, Roland Watt.

G. Arthur Martin, Q.C., was elected Chairman.

It was moved by Mr. Stradiotto, seconded by Mr. Purdy that the first item on the agenda be a discussion of the purpose of the Council. This was carried.

After a lengthy general discussion it was moved that one of the basic functions of the Council should be to recommend policy. The motion was lost.

It was moved by Mr. McNeely and seconded by Mr. Kelleher that the Chairman appoint a Steering Committee to prepare an agenda for the next meeting of its Council. It was then moved by Mr. McNeely, seconded by Mr. Kelleher that the motion be tabled. This was carried.

LEGAL AID

Mr. Callon, the Chairman of the Law Society's Standing Committee on Legal Aid, discussed briefly the work of his Committee and some of the problems currently facing it. Mr. Bassett asked whether eminent lawyers in the profession are participating in the Legal Aid Plan. Mr. Callon informed him that the availability of counsel under the Legal Aid Plan is approximately the same as in private practice.

The meeting adjourned at 12:40 for luncheon and resumed at 2:30. Mr. McNeely's motion that the Chairman appoint a Steering Committee was then put before the Council. In the discussion which followed the members favoured a Steering Committee of from five to nine including two non-members of the profession. The motion was carried.

It was moved by Mr. Cass, seconded by Mr. Cairns that the drafting of rules of procedure for the Council be referred to the Steering Committee. This was carried.

It was moved by Mr. Bassett, seconded by Professor Soberman that the next meeting of Council be in the third week of June upon three weeks' notice. This was carried.

It was moved and seconded that Kenneth Jarvis be Secretary of the Council. This was carried.

It was moved by Mr. Fennell, seconded by Mr. Logan that the Chairman and the Secretary make the necessary report to the Lieutenant-Governor-in-Council and to Convocation. Carried.

It was moved by Mr. Blenkarn, seconded by Mr. Bell that the meeting adjourn.

The meeting adjourned at 3:10 p.m.

All of which is respectfully submitted.

Dated this 26th day of February, 1971.

"G. ARTHUR MARTIN"
Chairman

THE REPORT WAS RECEIVED.

CORRESPONDENCE

The Secretary presented the following correspondence:

Letter from the Honourable Mr. Justice Schroeder thanking the Treasurer and Benchers for entertaining him at luncheon on the 16th April, 1971.

Letter from Mr. D. G. Lennie, Administrative Assistant, John Howard Society, thanking the Benchers for allowing that Society to use Convocation Hall for their Annual Meeting and Dinner.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 18th day of June, 1971.

"Sydney L. Robins"
—TREASURER

MINUTES OF SPECIAL CONVOCATION

Thursday, 3rd June, 1971
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Bowlby, Carley, Cartwright, Cass, Cooper, Cory, Finlayson, FitzGerald, Grange, Gray, W. E. Harris, Henderson, Krever, Lerner, Levinter, Morden, Pallett, Pattillo, Shapiro, Sheard, Slemin, Thom, Trepanier, Wallace and R. F. Wilson.

ELECTION OF BENCHER

Pursuant to Section 14(1) of The Law Society Act 1970, the Treasurer of the Law Society becomes a Bencher ex officio. Accordingly, as provided under Section 22(2) of The Law Society Act 1970, Mr. Stephen Borins was elected a Bencher to fill this vacancy.

ADMISSIONS COMMITTEE—Mr. Thom

Your Committee met on Wednesday, the 2nd of June, 1971, the following members being present: Mr. Stuart Thom, Chairman, and Messrs. MacKinnon, Pattillo and Sheard.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for call to the Bar and to be granted a Certificate of Fitness:

Gerald Gregory Brodsky, Manitoba. *Approved*

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE

Mr. R. F. Wilson

Your Committee met on the 2nd day of June, 1971, at 2:00 o'clock in the afternoon, the following members being present: Mr. R. F. Wilson, Chairman, Mr. S. L. Robins, Treasurer, and Messrs. Henderson, O'Brien, Pattillo and Sheard.

Your Committee had before it the Society's rules passed under The Law Society Act, 1970, and particularly Rule 29 which requires the members of the standing committees of Convocation to be elected at the June Convocation in each year. Your Committee considers that it would be convenient to amend Rule 29 to make it possible for the members of the standing committees to be appointed at some other Convocations if, in the circumstances, it would be more appropriate.

Your Committee therefore recommends the following be added as Subsection 2 to Rule 28: "Convocation may elect additional members to any standing committee at any Convocation."

Your Committee further recommends that Rule 29 which reads as follows: "The members of the standing committees of Convocation shall be elected at the June Convocation in each year", be amended by deleting the words "the June" and substituting therefore "a", and deleting "in each year" from the second line and adding "and hold office until their successors are elected", so that the amended Rule 29 will now read: "The members of the standing committee of Convocation shall be elected at a Convocation and hold office until their successors are elected."

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidate was presented to the Treasurer and Convocation, was Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer:

GERALD GREGORY BRODSKY

APPOINTMENT OF STANDING COMMITTEES

Mr. Henderson

At the request of the Treasurer, Mr. Henderson presented the Report of the meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees:

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted, was held on Wednesday, the 2nd June, 1971, the Treasurer and Messrs. Evans, Fennell, Goodman, Gray, Henderson, MacKinnon, O'Driscoll, Pattillo, Sheard and Thom being present, and they recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Messrs. Beament, Callon, Cartwright, Fennell, Goodman, Gray, Harris, W. E., Henderson, Howland, Lerner, Levinter, MacKinnon, McLaughlin, Pallett, Pattillo, Sheard, Sopha, Steele, Thom, Trepanier, Wilson, R. F.

2. LEGAL EDUCATION: Messrs. Bowlby, Callon, Carley, Cass, Cory, Dubin, Estey, Finlayson, Grange, Gray, Goodman, Henderson, Howland, Krever, Maloney, MacKinnon, Morden, Pattillo, Shapiro, Sheard, Slemin, Sopha, Thom, White, Williston, Wilson, R. F.

3. ADMISSIONS: Messrs. Beament, Callon, Cartwright, Cass, Cooper, Dubin, Estey, Finlayson, Grange, Lochead, MacKinnon, Pattillo, Sheard, Slemin, Sopha, Thom, Williston.

4. DISCIPLINE: Messrs. Beament, Bowlby, Carley, Cartwright, Cass, Common, Cooper, Cory, Dubin, Estey, Evans, Finlayson, Goodman, Grange, Gray, Harris, H. E., Harris, W. E., Henderson, Krever, Lerner, Levinter, Lochead, Maloney, MacKinnon, McCulloch, McLaughlin, Morden,

O'Brien, O'Driscoll, Pallett, Pattillo, Seymour, Shapiro, Slemin, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston, Wilson, P. D.

5. PROFESSIONAL CONDUCT: Messrs. Bowlby, Callon, Cartwright, Cory, Dubin, Estey, Evans, Fennell, FitzGerald, Goodman, Grange, Krever, Lerner, Lochead, Maloney, Morden, MacKinnon, O'Brien, O'Driscoll, Pallett, Raney, Robinette, Sedgwick, Slemin, Strauss, Thom, Wallace.

6. LIBRARIES AND REPORTING: Messrs. Carley, Cassels, Clement, Grange, Harris, H. E., Maloney, O'Driscoll, Shapiro, Steele, Strauss, Wallace, Weir.

7. UNAUTHORIZED PRACTICE: Messrs. Bowlby, Callon, Cass, Cooper, Dubin, Fennell, FitzGerald, Henderson, Lerner, Pallett, Sopha, Steele, Strauss, Trepanier, White, Williston.

8. PUBLIC RELATIONS: Messrs. Bowlby, Carley, Harris, H. E., Harris, W. E., Henderson, Krever, Lochead, Martin, Morden, O'Driscoll, Pattillo, White.

9. LEGAL AID: Messrs. Beament, Bowlby, Callon, Cass, Common, Cooper, Estey, FitzGerald, Gray, Levinter, Lochead, Martin, Morden, MacKinnon, O'Driscoll, Trepanier, Wallace.

10. LEGISLATION AND RULES: Messrs. Beament, Common, Cory, Estey, FitzGerald, Goodman, Harris, W. E., Henderson, Krever, O'Brien, Pattillo, Shapiro, Sheard, Williston, Wilson, R. F.

THE REPORT WAS ADOPTED.

Moved by Mr. Gray, seconded by Mr. Finlayson, that Mr. Stephen Borins be added to the following Committees: Legal Education, Discipline, Admissions, and Libraries and Reporting. *Carried*

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairmen and Vice-Chairmen were adopted:

FINANCE: Chairman, W. G. Gray; Vice-Chairman, G. E. Beament.

LEGAL EDUCATION: Chairman, B. J. MacKinnon; Vice-Chairman, W. Z. Estey.

ADMISSIONS: Chairman, R. W. Cass; Vice-Chairman, G. D. Finlayson.

DISCIPLINE: Chairman, Stuart Thom; Vice-Chairmen, G. E. Beament, G. H. Lochead.

PROFESSIONAL CONDUCT: Chairman, A. E. M. Maloney; Vice-Chairman, F. J. L. Evans.

LIBRARIES AND REPORTING: Chairman, R. D. Steele; Vice-Chairman, H. E. Harris.

UNAUTHORIZED PRACTICE: Chairman, Nathan Strauss; Vice-Chairman, S. E. Fennell.

PUBLIC RELATIONS: Chairman, G. F. Henderson; Vice-Chairman, J. G. J. O'Driscoll.

LEGAL AID: Chairman, T. P. Callon; Vice-Chairman, J. D. Bowlby.

LEGISLATION AND RULES: Chairman, E. A. Goodman; Vice-Chairman, A. S. Pattillo.

The Treasurer recommended that the composition of the following Special Committees be amended as follows:

Special Committee on J. Shirley Denison Bequest

That Mr. Terence Sheard be appointed as Chairman, and Mr. John W. Morden be added to this Committee.

Special Committee on Interest on Trust Accounts

That Mr. G. Arthur Martin be added.

Special Committee on Muniments and Memorabilia

That Mr. B. B. Shapiro and Mr. S. E. Weir be added.

Planning Committee

That Messrs. R. H. Carley, A. M. Cooper and Horace Krever be added.

Special Committee on Administration of Ontario Courts re Law Reform Project

That Mr. S. G. M. Grange and Mr. B. B. Shapiro be added.

Special Committee on Specialization in the Practice of Law

That Mr. W. Z. Estey be appointed as Chairman, that Mr. E. A. Goodman replace Mr. Gray, and that Mr. Stephen Borins be added.

Ontario Interprofessional Liaison Committee

That Mr. S. L. Robins, Treasurer, be appointed to replace Mr. G. Arthur Martin as Chairman. *Approved*

CONVOCATION THEN ROSE.

MINUTES OF CONVOCATION

Friday, 18th June 1971
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Beament, Borins, Bowlby, Callon, Carley, Cartwright, Cass, Cory, Dubin, Evans, Fennell, Finlayson, Goodman, Grange, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lerner, Lochead, Maloney, Morden, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pattillo, Raney, Seymour, Sheard, Thom, Trepanier, Weir, White and Williston.

The Minutes of Convocation of the 21st May and of the Special Convocation of the 3rd June 1971 were read and confirmed.

BUILDING COMMITTEE

The Treasurer was appointed Chairman of the Building Committee in place of Mr. G. Arthur Martin, Q.C.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 10th June, 1971, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman and Messrs. Callon, Carley, Cass, Cory, Grange, Howland, Krever, Morden, Shapiro, Sheard, Thom and White.

BAR ADMISSION COURSE ON INCOME TAX

Your Committee approves the Director's recommendation that a one week course on Income Tax be approved for introduction into the teaching term of the Bar Admission Course and a reduction of one week in the length of the Estate Planning Course, Mr. A. R. A. Scace to act as head of the Income Tax Course.

APPOINTMENT OF INSTRUCTORS TO REAL ESTATE SECTION

The Director requests the approval of the Committee to the following appointments to the faculty of the Bar Admission Course:

T. P. O'Connor, Esq., to be promoted to instructor.
B. L. Remus, Esq., to be promoted to instructor.
R. J. Swayze, Esq., to be appointed instructor.
C. E. Walden, Esq., to be appointed an instructor.
D. A. Allport, Esq., to be appointed a stand-by instructor.
John Freyseng, Esq., to be appointed a stand-by instructor.
W. W. Markle, Esq., to be appointed a stand-by instructor.
W. R. Stevenson, Esq., to be appointed a stand-by instructor.
C. F. Winer, Esq., to be appointed a stand-by instructor.
Approved

REPORT OF ADVISORY COMMITTEE ON EXAMINATION POLICY

The Committee makes the following recommendations:

(*a*) That class ranking of Honours, Pass Class I, Pass Class II, and Unsuccessful be retained; *Approved*

(b) That except for candidates receiving Honours, individual ranking of candidates be abolished; *Approved*

(c) That the results of each examination be disclosed to each candidate immediately the results are computed; *Approved*

(d) That, where possible, objective examinations (true-or-false, multiple choice) be used in place of subjective examinations. *Approved*

LIST OF PUBLICATIONS

Your Committee recommends approval of the Director's recommendation that twenty-three Law Society publications, being material prepared for the Continuing Education Series, be made available to the profession at the prices listed by the Director.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 10th June, 1971, the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Callon, Cartwright, Grange, Howland, Lochead, MacKinnon, Sheard and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidates having successfully completed the Twelfth Bar Admission Course, filed the necessary documents and paid the required fee of $210 now apply for Call to the Bar and to be granted a Certificate of Fitness:

Charles Edward Noonan
Charles Scullion
James Martin Cooper *Approved*

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admissions Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Emilio S. Binavince: Special — Faculty of Law, University of Ottawa. Fee $200. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulations—Part II, No. 2

524. MILLER, Robert Brian — B.A. Western 1967; LL.B. Queen's 1970.
525. KOZLOWSKI, Richard Andrew — B.A. Waterloo 1967; LL.B. York 1970.

The following candidates having complied with the relevant Regulations, paid the required fee of $101 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1971:

Under Bar Admission Course Regulations—Part II, No. 2

3. GRANT, Graham Duncan — B.A. Waterloo 1967; LL.B. York 1970.
4. KIRSH, Harvey Joseph — B.A. Toronto 1967; LL.B. York 1970.

Under Transfer Regulation 7 (formerly 10(b))

2. SRINIVASAN, Sankaranarayana Ramachandra — India. *Approved*

DIRECT TRANSFERS

Your Committee considered and approved applications under the Direct Transfer regulations, by Bruce Knyvet Arlidge of

British Columbia, Daniel Charles Joseph Prefontaine of Saskatchewan, Romeo Celestin Champagne of Manitoba and Orval J. T. Troy, Q.C., of Nova Scotia.

UNITED KINGDOM SOLICITORS

John Robert Wood (B.A. University of Cape Town 1962; LL.B. University of London 1968) was admitted to practise as a Barrister and Solicitor of the High Court for Zambia on 26th February, 1968, and has practised in Zambia since that time. He has applied to be admitted as a solicitor in England on the 1st July, 1971, and subject to receiving a practising certificate from the English Bar seeks to proceed under Regulation 5(1).

Your Committee recommends he be advised that his application is premature and that he be told he will be required to establish practice in the United Kingdom.

Philip Shun Wah Wong (B.A. University of London 1963) was admitted as a solicitor of the Supreme Court of Hong Kong on the 6th September, 1969, and has practised there until the present time. Mr. Wong seeks to proceed under Regulation 5(1) subject to presenting a current practising certificate from the Law Society of England.

Your Committee recommends he be advised that his application is premature and that he be told he will be required to establish practice in the United Kingdom.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of the Faculty of Law, University of Toronto, asks to be called to the Bar and admitted as a solicitor under Regulation 9(2):

Douglas J. Sherbaniuk — B.A. (University of Alberta 1950; LL.B. University of Alberta 1953) Member of Alberta Bar.

Approved

BAR ADMISSION COURSE

Graham F. Pinos seeks late registration as a Student-at-law in the articling portion of the current Bar Admission Course and asks to be relieved from the payment of the fine of $100 for late registration.

Your Committee recommends that his petition be rejected.

COMMONWEALTH EXAMINATION

Two candidates were approved by the Committee to proceed under Regulation 7 and sat the required examinations in India.

Their examinations were identified only by numbers and a Report of the examiners stated that each of the candidates had failed the prescribed examinations

Your Committee recommends that they be advised they failed to obtain pass standing but may write again.

THE REPORT WAS ADOPTED.

Moved by Mr. Cass, seconded by Mr. Cartwright, that Mr. Orval J. T. Troy, Q.C., be allowed to complete the teaching portion of the Bar Admission Course. *Carried*

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 10th June, 1971, the following members being present: Messrs. Beament, Vice-Chairman, Cartwright, Howland, Lerner, MacKinnon, Thom, Sheard and Trepanier.

ACCOUNTS

The Secretary reports that from the 1st day of May to the 31st May, 1971, accounts, including Library Accounts, properly approved, to the amount of $43,341.68 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July 1970 to the 31st May 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1970 to the 31st May 1971. *Approved*

ROLLS AND RECORDS

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society is in abeyance:

Margaret F. B. Campbell, Q.C., Toronto: Called — 17 June 1937; Appointed Provincial Judge (Family Division), June 1, 1971.

Kechin Wang, Q.C., Toronto: Called — 17 January 1958; Appointed Provincial Judge (Family Division), effective July, 1971.

Deaths

The following former members of the Law Society have died:

William G. Findlay,	Called—October 16, 1941;
Oakville	Died—May 1, 1971.
Robert Ivan Moore, Q.C.,	Called—May 20, 1920;
Lindsay (Hon. Life Mem.)	Died—June 7, 1971.

Disbarment

The following former member has been disbarred and struck off the rolls and his name has been removed from the rolls and records of the Law Society:

Howard L. Coleman, Toronto: Called — March 17, 1967; Disbarred — Convocation, May 21, 1971. *Noted*

TERMINATION OF SUSPENSION

The following member of the Society who was suspended from practice on the 16th April, 1971, for non-payment of her annual fees, has now paid her fees and has been restored to the practising roll:

Corinne Parkin, Ottawa. *Noted*

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

CHANGE OF NAME

Alice Dianne Murray was Called to the Bar on the 26th March 1971. She advises that she wishes to practise under her maiden name, and her petition is before the Committee requesting that her name be changed on the rolls and records of the Society to — Alice Dianne *Custance*. *Approved*

THE REPORT WAS ADOPTED.

Mr. Cartwright took no part in the discussion and did not vote.

MOTION TO SUSPEND

Moved by Mr. Finlayson, seconded by Mr. Maloney, that THE RIGHTS and privileges of ROBERT WESLEY STANLEY, who has failed to pay his fees within four months after the day on which payment was due, be suspended from the 18th day of June 1971 until his fees are paid. *Carried*

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Friday, the 18th day of June, 1971, at 9:30 o'clock in the forenoon, the following members being present: Messrs. Gray, Chairman, Beament, Vice-Chairman, and Messrs. Callon, Cartwright, Fennell, W. E. Harris, Henderson, Lerner, MacKinnon, Pattillo, Sheard and Thom.

SUB-COMMITTEE ON SALARIES

The Sub-Committee on Salaries met on the 16th June, 1971, the following members being present: Mr. Gray, Chairman, Mr. Robins (Treasurer), and Mr. Howland.

Mr. MacDonald, Director, Bar Admission Course, and Mr. Bennett, Comptroller, were also present by request.

The Sub-Committee submitted a report recommending a schedule of salaries for employees of the Society to take effect July 1, 1971. *Approved*

CHANGE OF NAME

Clarence Rosenberg was called to the Bar on the 26th March 1971. He advises that he is known as "HY" Rosenberg, and wishes to practise under that name. His petition to have his name changed on the rolls and records of the Society to "Hy Rosenberg", and a copy of the Order of His Honour Judge Ball dated the 8th June 1971 granting the change, are before the Committee. *Approved*

ERRORS AND OMISSIONS INSURANCE

The members whose names are on a list before the Committee, received notice by letter of the 2nd June 1971 that unless they had paid the Errors and Omissions Insurance levy, or filed an application for exemption from coverage by the 17th June 1971, their names would be placed before Convocation on the 18th June 1971, and that Convocation might then suspend their rights and privileges as members of the Society. *Approved*

THE REPORT WAS ADOPTED.

MOTION TO SUSPEND — *re Errors and Omissions Insurance*

Moved by Mr. Gray, seconded by Mr. Beament, that the rights and privileges of the following members who have failed to pay the levy prescribed under section 53 of The Law Society Act 1970 within four months after the day on which payment was due, be suspended from the 18th June 1971 until their levies are paid; or, if they are not practising in Ontario, until they file applications for exemption from coverage:

Richard A. M. Gilmour — Toronto
Hector M. Howell — Willowdale
Kenneth D. MacLennan — Sudbury *Carried*

DISCIPLINE COMMITTEE—Mr. Thom

The Committee met on the 10th day of June 1971 at 10:30 o'clock in the morning, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. Beament (Vice-Chairman), Mr. G. Lochead (Vice-Chairman), Messrs. Bowlby, Carley, Cartwright, Cass, Cooper, Cory, Estey, Evans, Grange, Gray, H. E. Harris, Krever, Lerner, Levinter, MacKinnon, Maloney, Morden, Shapiro, Trepanier, White and Williston.

As this was the first meeting of the Committee following the election, at which a majority of the Committee was present, the opportunity was taken to discuss discipline matters generally.

Consideration was given to the participation of Ex-Officio Benchers in the working of the Committee.

While the knowledge and experience of the non-voting Ex-Officio Benchers who are members of the Committee will be of great benefit to the Committee on general policy matters, it was the view of the Committee that they should not sit on actual discipline hearings.

The question of the holding of discipline hearings outside of Toronto in cases where the solicitor under investigation did not reside in the Toronto area was discussed. The concensus was that in appropriate cases there would appear to be no objection to so do. It was noted that in the past hearings before the Committee with respect to applications for payment out of the Compensation Fund had been held in other centres.

The Committee had before it the Report on Discipline Procedures which had been presented to Convocation at its December 1970 meeting, as amended and approved. Item 12 of that Report deals with expenses incurred by the Law Society in the investigation and hearing of a complaint in which a lawyer has been found guilty and recommended that a Regulation be prepared. A Sub-Committee has been appointed, under the Chairmanship of Mr. George Lochead with the power to add, to consider the procedure in assessing the expenses incurred, and what items should be included and the monetary value to be given to them.

THE REPORT WAS ADOPTED.

COMPENSATION FUND

For The Period 1st July, 1970 to 31st May, 1971

	Month of May, 1971		11 Months Ending 31 May 1971	
Balance on Hand—30th June, 1970				$1,225,491.67
RECEIPTS				
Fees—6,254 at $30.00	$ 60.00		$187,620.00	
Investment Income				
—Gov. of Can.	—	$14,250.00		
—Guar. Dep. Int.	1,404.83	58,018.42		
—Bank Interest	—	935.27	73,203.69	
Recoveries—Wineberg	—	$4,200.17		
—Archibald Young	—	589.74		
—G. R. R. Frame	—	1,876.15	6,666.06	
Profit on Sale of Bonds			3,750.00	271,239.75
	$1,464.83			$1,496,731.42
DISBURSEMENTS				
Grants—Szczeglik (1)	—	$ 2,241.60		
—Marentette (1)	—	9,500.00		
—Pivnick (12)	—	33,268.11		
—G. R. R. Frame (7)	—	12,365.97		
—Fitzpatrick (1)	—	5,459.68		
—J. E. Harris (3)	—	7,327.00		
—J. L. Chapman (1)	—	865.00	$ 71,027.36	
Counsel Fees, reporters, etc.	2,604.35		16,517.34	
Fee refunds	—		300.00	87,844.70
	($1,139.52)	BALANCE — 31/5/71		$1,408.886.72
OUTSTANDING CLAIMS				
Claims outstanding 30th April, 1971				$2,218,752.81
Received during period—Bowman (1)			$ 2,138.65	
—Caplan (1)			1,987.27	

—McGrath (1)	7,301.81	
—Parisien (2)	3,795.00	
		$2,233,975.54
Dismissed during period		—
Paid (Amount of Original Claims)		—
CLAIMS OUTSTANDING 31ST MAY, 1971		$2,233,975.54
TOTAL CLAIMS PAID TO 31ST MAY, 1971 (754 on account of 74 former solicitors)		$2,341,740.03

THE REPORT WAS RECEIVED.

LIBRARIES AND REPORTING COMMITTEE

Mr. H. E. Harris

Your Committee met on Thursday, the 10th day of June, 1971, the following members being present: Messrs. H. E. Harris (Chairman ad hoc and Vice-Chairman), Carley, Cassels, Grange and Shapiro and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st May, 1971, were approved as follows:

Great Library

	Books	*Salaries*	*Sundries*
Estimates	35,000.00	102,812.00	6,000.00
Expenditures	30,254.69	97,637.58	1,784.45

Special Account

Estimates	23,472.52
Expenditures	1,312.82

Bar Admission Course Library

	Books	*Salaries*
Estimates	18,000.00	10,500.00
Expenditures	9,984.88	5,618.13

GIFTS AND DONATIONS

Mr. John E. Kerr, Q.C., Toronto, has donated approximately 100 volumes of the *Statutes of Ontario and Canada.*

Mr. Huron R. Davidson, Q.C., London, has donated 170 bound volumes of the *Statutes of Ontario and Canada* and 99 unbound volumes of the *Canada Law Reports.* *Noted*

CANADA LAW REPORTS — *Federal Court Reports*

The Chief Librarian has been advised by Mr. H. T. Cocks, Director, Finance and Administration, Department of Justice, Ottawa, that his Department will be providing free of charge fifteen copies of the Federal Court Reports to the Great Library and one copy of these Reports to each of the county law libraries. Cochrane will receive an extra copy for its Timmins Branch. *Noted*

BOOK LIST

A list of books purchased for the Great Library was approved.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amounts which each should receive under the Rules for the year 1971 and the amount received in 1970 are as follows:

		1971	1970
Brant		1,880.00	1,775.00
Elgin		1,285.00	1,355.00
Hastings & Prince Edward		1,635.00	1,635.00
Leeds & Grenville	900.00		
Less Penalty 10%	90.00	810.00	1,145.00
Lennox & Addington		750.00	750.00
Muskoka		870.00	750.00
Prescott & Russell		750.00	750.00
Rainy River		750.00	750.00
Renfrew		1,040.00	910.00

The Leeds & Grenville grant is reduced by 10% as required by Regulation 37(3) of the Law Society Act, 1970. This penalty is mandatory under this Regulation. *Approved*

THE REPORT WAS ADOPTED.

Your Committee met on Friday, the 18th day of June, 1971, the following members being present: Messrs. H. E. Harris (Chairman ad hoc and Vice-Chairman), Borins, Carley, Grange and Shapiro.

REPORTING

WEEKLY SUMMARIES OF APPEAL CASES

On the 16th day of April, 1971, Convocation approved the principle of making the weekly summaries of the judgments of the Court of Appeal available to the profession, and directed that the matter be discussed with the Judges' Library Committee.

The Judges' Library Committee subsequently gave its approval to making the summaries available, either by furnishing copies to each County Law Association Library or by publication in the Ontario Reports.

Your Committee has now met twice to consider the matter of publishing the summaries in the Reports — once on Thursday, 10th June, 1971, the following members being present: Messrs. H. E. Harris, (Chairman ad hoc and Vice-Chairman), Carley, Cassels, Grange and Shapiro and Miss R. McCormick; and again on Friday, 18th June, 1971, the following members being present: Messrs. H. E. Harris (Chairman ad hoc and Vice-Chairman), Borins, Carley, Grange and Shapiro. Mr. Alan Marks, the Vice-President of Canada Law Book Limited (the publisher of the Ontario Reports) attended the June 18th meeting at the invitation of your Committee.

In considering this matter your Committee has given particular attention to the speed at which the summaries can be published to ensure that they will appear in the Reports on a reasonably contemporary basis.

Your Committee has been advised by the publisher, Canada Law Book Limited, that if the summaries are given to them by no later than Monday in any week, then they can be printed by photo-offset in the following Friday's issue. The Chief Justice's Law Clerk, who prepares the summaries, has advised that he can have them completed for pick up each Monday.

To illustrate with dates, the summaries would be published as follows:— The Summaries for the week of, for instance, Monday, 7th June, 1971, would be available from the Court of Appeal Office on Monday, 21st, June, 1971. Provided Canada Law Book (the publisher) has them by this date, they would appear in the Friday, 25th June, 1971, issue of the Reports.

The method of printing (photo-offset) involves photographing the summaries exactly as they are received from the Court of Appeal Office. This involves the summaries being typed by the Court of Appeal Office to the specifications of the publisher. These specifications have been discussed with the Chief Justice's Law Clerk who has agreed to them.

Your Committee saw a "proof" of a page of the summaries and were satisfied with its appearance. It is proposed that the summaries appear in each issue of the Reports immediately after the advertisements and immediately before the first judgment. It is also proposed that the summaries be printed on coloured paper, either green, pink or blue, so that they will be more easily distinguished.

Your Committee is advised that the estimated cost to print this material for the year 1972 is about $2.00 per member. This estimate is based on an average of twelve pages per week for the forty-six weeks of publication. This works out to about $16,000.00 for the 8,000 copies presently published for the Society.

The publisher (Canada Law Book) has advised that it is prepared to bear the cost of the new material for the balance of the year 1971. However, in the event that the Law Society decides for some reason to discontinue publication before 1972, then your Committee wishes to be in the position to at least partially recompense Canada Law Book for its costs to date.

Subject to the approval of the Finance Committee, your Committee recommends that the summaries be published in the weekly issues of the Ontario Reports on the above terms — your Committee to review the matter at its October meeting. In the event that Convocation at that time decides to discontinue publication, then the estimated cost to date would be about $5,000.

Since the speed and regularity of publication will involve to a large extent the office facilities of the Court of Appeal, your Committee recommends that this matter be approved by Convocation subject to the approval of the Judges' Library Committee.

THE REPORT WAS ADOPTED.

Mr. Cartwright took no part in the discussion and did not vote.

CONVOCATION ADJOURNED and a meeting of the Finance Committee was called.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Friday, the 18th June 1971, the following members being present: Mr. Gray, Chairman, Beament, Vice-Chairman, Callon, Cartwright, Fennell, Goodman, W. E. Harris, Henderson, Howland, Lerner, MacKinnon, McLaughlin, Pattillo, Sheard, Thom and Trepanier.

RE PUBLICATION OF SUMMARIES OF THE JUDGMENTS OF THE COURT OF APPEAL

On the 16th April 1971 Convocation approved the principle of making the weekly summaries of the judgments of the Court of Appeal available to the profession, and directed that the matter be discussed with the Judges Library Committee for its approval.

The Judges Library Committee subsequently gave its approval to making summaries available, either by furnishing copies to each County Law Association Library, or by publication in the Ontario Reports.

Subject to the approval of the Finance Committee, the Libraries and Reporting Committee is recommending to Convocation that the summaries be published in the weekly issues of the Ontario Reports at an estimated cost for the year 1972 of about $2.00 per member (possibly a few cents less). This works out to about $16,000.00 for the year on the basis of 8000 copies presently published for the Society. However, in the event the Society decides to discontinue publication before 1972, the Libraries and Reporting Committee recommends that at least partial recompense be paid Canada Law Book Limited for its costs to that date, and recommends that $5,000.00 be made available for this purpose.

Your Committee recommends that the Summaries be published in the weekly issues of the Ontario Reports on the above terms, the matter to be reviewed in October 1971.

Your Committee further recommends that should the decision then be to discontinue publication, $5,000.00 be made available to cover the cost of the publications already made.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-Law was conferred upon them by the Treasurer:

Jerome Martin Cooper
Charles Edward Noonan
Charles Scullion
Emilio Sansano Binavince — Special-Professor
University of Ottawa.

LEGAL AID COMMITTEE—Mr. Callon

Your Committee met on Friday, the 11th day of June, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Caldbick, FitzGerald, Gray, Levinter, Lochead, Morden and Poole.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of April, 1971.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 1 month ended April 30th, 1971.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Ontario Legal Aid Plan.

(c) The following lease, which has been approved by John D. Honsberger, Q.C., on behalf of the Law Society, was approved by your Committee:

District of Cochrane — 14 Pine St. S., Timmins.

(d) *Dead Files*

Your Committee considered a memorandum from the Controller with respect to the storage of dead files.

After careful consideration the Committee made the following recommendations:

1) That area offices be instructed to destroy all client files completed during the Plan's first two fiscal years up to March 31st, 1969. Before doing so the repayment agreement in respect of contributions which the Plan is still endeavouring to collect should be extracted from the files and forwarded to the Collection Department.

2) Destruction of area office client files should take place on an annual basis so that there will never be in an area office more than two previous year's files plus the current operating year's files.

3) The Committee instructed the Director to advise all area directors that this approval is subject to the responsibility of an area director to thoroughly review any file which may be of a controversial nature before destroying it and to extract from such file any material which might be relevant in answering questions which might arise in the future.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report with respect to the activity of the Legal Accounts Department for the three months ended May 31st, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of May, 1971.

(c) Your Committee reviewed a memorandum from the Supervisor of the Legal Accounts Department. The Supervisor informed the Director that he is continually receiving complaints from solicitors with respect to the certification of their accounts under Section 100(1)(a) of the Regulation. Section 100(1)(a) of the Regulation reads:

> "100.(1) A solicitor who has provided services pursuant to a certificate and has completed such services or has ceased to act shall submit forthwith to the Legal Accounts Officer,
>
> (a) an account in duplicate of his fees and disbursements showing the date upon which each item of service was performed, one copy of which shall bear the following certificate signed by him:
> 'I certify that the legal aid herein was rendered by me or by such other named person as is specifically stated herein and that the disbursements set out herein were paid or liability therefor incurred and they were necessary and proper';"

It is suggested that the certification be amended to cover the following particular circumstances:

1. Where the account is submitted by the acknowledging solicitor only — with disbursements.
2. Where the account is submitted by the acknowledging solicitor with no disbursements.
3. Where the account is submitted by more than one solicitor — without disbursements.
4. Where the account is submitted for disbursements only.

After a thorough discussion the Committee moved that the matter be referred to G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation, to consider an appropriate amendment to Section 100(1)(a) of the Regulation.

STUDENT LEGAL AID SOCIETIES

The Committee considered a memorandum from Mrs. A. C. R. Rosenthal, Assistant Provincial Director.

Mrs. Rosenthal requested the Committee's opinion on whether a Student Legal Aid Society, when a Division Court action is referred to it, can process the action when one student would be acting for the plaintiff and another student would be acting for the defendant.

Mrs. Rosenthal was of the opinion that this is a conflict of interest; both files would be in the Student Legal Aid Society office and available to all.

The Committee was in agreement with Mrs. Rosenthal's view that a Student Legal Aid Society acting on both sides would be improper. Under no circumstances should a Student Legal Aid Society become involved in acting on both sides of the same matter.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

W. Gibson Gray, Q.C., Chairman of the Sub-Committee Appointed to Review the Legal Aid Tariffs, submitted a report to the Committee.

Your Committee moved that the report, as amended, be adopted.

CRITERIA FOR DIVORCE PROCEEDINGS

At the meeting of the Area Directors in March, 1971, criteria covering the issuance of certificates to financially eligible applicants in divorce proceedings were suggested. Subsequent to this meeting the Director canvassed the Area Directors to determine if the criteria were satisfactory. The majority of the Area Directors were in agreement with the proposed criteria.

On the instructions of the Committee at the May, 1971, meeting, the Director obtained the views of the senior staff in the provincial office.

The staff report was submitted to your Committee.

The Report dealt with section 105 of Regulation 257/69 respecting reimbursement of disbursements made by solicitors providing legal aid pursuant to a certificate; the question of block fees in serious criminal matters and recommended a scale of maximum allowable fees; amendments were recommended affecting allowances for travelling time and expenses; recommendations were made respecting block fees in divorce matters, and in matters in the Provincial Court (Family Division) including appeals from decisions of that Court; amended fees were recommended in deportation proceedings and for duty counsel.

Your Committee approved the report.

LEGAL AID REGULATION

Schedule 6, Item viii

Schedule 6, Item viii of the Regulation reads:

> "viii. With the prior approval of the Director or the Legal Accounts Office, the services of a person entitled by law or practice to give expert or opinion evidence may be engaged and the reasonable and proper fees paid therefor at the rate specified by the Legal Accounts Officer in his authorization."

Rule 267 of the Ontario Rules of Practice, 1971 reads:

> "267. (1) The court may obtain the assistance of merchants, engineers, accountants, actuaries, or scientific persons, in such way as it thinks fit, the better to enable it to determine any matter of fact in question in any cause or proceeding, and may act on the certificate of such persons.
>
> (2) The court may fix the remuneration of any such person and may direct payment thereof by any of the parties.
>
> (3) Unless all parties are sui juris and consent, the powers conferred by this rule shall only be exercised by or by leave of a judge. (268)."

There is a conflict between the Legal Aid Regulation and the Rules of Practice. In custody actions Judges are ordering psychiatric examinations under the said Rule 267. A recent High Court Order instructed *all members* of both the petitioner's and the respondent's households examined by a psychiatrist who would then report to the Court. The petitioner and the respondent are both under Legal Aid.

Your Committee moved that the matter be referred to G. Arthur Martin, Q.C. with the request that he meet informally with the Chief Justice with a view to resolving this problem.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Area Committees for the respective areas:

Peterborough County

Vincent Costellano, Family Counselling Service
Prescott & Russell Counties
Gerald E. Langlois, Solicitor

The following *resignations* were noted:

Peterborough County
Rev. Father Gaughan
Prescott & Russell Counties
Paul F. Lalonde

Moved by Mr. Finlayson, seconded by Mr. Henderson, that subsection (a) (respecting divorce matters) on page 4 of the Report of the Sub-Committee appointed to review the Legal Aid Tariffs be referred back to the Committee. *Carried.*

THE REPORT AS AMENDED WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 10th day of June 1971, at 9:30 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Bowlby, Cartwright, Cory, FitzGerald, Goodman, Grange, Krever, Lerner, Lochead, MacKinnon, Morden and Sedgwick.

1. RULING 3 — TOUTING, ADVERTISING & SOLICITING

Your Committee considered a letter from a Toronto lawyer wherein he states that he has, on a purely gratuitous basis for approximately the last two months, been giving legal advise on the setting up of an organization known as the 'Community Homophile Association of Toronto'. In addition, he has on occasion also advised some of its members. Members of this group, it is his opinion, have difficulty in obtaining legal counselling because their outlook in some respects differs from that which is acceptable to a major part of the population. He asks that the organization be allowed to maintain a list of criminal lawyers to which it may refer its members. Pending the decision of the Committee, the lawyer has suggested that members of this organization make use of the Law Society's referral service. Your Committee has instructed the Secretary to advise that it cannot, at this time, countenance the establishment of a list as suggested and advises that the use of the referral service be continued. If after a sufficient period of time has elapsed there still appears to be difficulty, it is open for the lawyer to once again write to your Committee.

Your Committee was concerned with the implication that some of the Society's members would not take a client because of his different outlook on life and wishes to point out to the profession, under Ruling 1, the Canon of Ethics, that it is a lawyer's duty to serve the cause of justice.

2. SUB-COMMITTEE REPORT ON "TOUTING, ADVERTISING AND SOLICITING, AND NEWS MEDIA".

At its February 1971 meeting, your Committee recommended that the terms of reference of the Sub-Committee on "Touting, Advertising and Soliciting" be enlarged so that it may give consideration to the use of 'news media' by members of the profession apparently for publicity purposes when representing clients in the public eye. The Sub-Committee has reported to your Committee. The report reads as follows:

"TO THE PROFESSIONAL CONDUCT COMMITTEE

Your Sub-Committee on "Touting, Advertising and Soliciting, and News Media", met on Tuesday the 23rd of March 1971 at 2:30 o'clock in the afternoon, the following members being present: Mr. E. A. Goodman, Chairman, and Messrs. Bowlby, Callon and MacKinnon.

Your Sub-Committee considered various methods by which members of the profession garner publicity and recommends that the following Notice to the Profession be published in the Ontario Reports:

NOTICE TO THE PROFESSION

In the Ontario Reports, Part 18, 1967, week of May 12th, notice was given to the profession bringing to its attention the provisions of Canon 5, of the Canons of Ethics and Ruling 30, concerning "touting, advertising and soliciting". Notwithstanding the provisions of these rulings and the special notice given, the attention of the Law Society has been brought to several instances where there might have been breaches of the Canon and/or Ruling 30.

In particular it appears that members of the profession have been holding parties or other social occasions in order to attract professional business. This is, of course, a direct breach of Canon 5 and Ruling 30. Notice is hereby given that such action will be referred to the Discipline Committee for its attention.

It has also been brought to the Society's attention that on several occasions, lawyers appear to be seeking publicity concerning the services they are rendering to clients or the type of practice that they carry on.

The Professional Conduct Committee has appointed a special Sub-Committee to review the provisions of the Law Society professional conduct rulings concerning lawyers touting, advertising or soliciting and to make recommendations to this Committee for any desirable changes or amendments to the ruling.

The Sub-Committee requests the comments of the profession on the aforementioned Canon and ruling or any other relevant matters. The Sub-Committee requests the profession to comment also on under what circumstances, if any, it is proper for lawyers to give press conferences or make media comment on one of his professional matters.

All of which is respectfully submitted."

Your Committee adopts this report and recommends that the Notice to the Profession be published in the Ontario Reports.

3. PROFESSIONAL CONDUCT HANDBOOK

Until recently the production costs of the Professional Conduct Handbook has necessitated a charge of $1.25 per copy. However, the facilities of the Bar Admission Course are now being used to produce the inserts, with a substantial saving. Your Committee therefore has determined to reduce the cost to $1.00 per copy.

4. MISCELLANEOUS

(a) Your Committee considered a letter from Central Collection Services with respect to the unpaid balance of a loan under the Ontario Student Aid Loan, which was made to a lawyer while he was registered in the Bar Admission Course during the 1961 — 1962 period. Your Committee has instructed the Secretary to write the lawyer concerned asking him for his comments on his failure to repay the government loan.

(b) A question has been raised as to what is the ethical position of a lawyer governed by the Society's Errors and Omissions Insurance Policy, with respect to a client, when he has acted negligently in a matter. Your Committee recommends the appointment of a Sub-Committee composed of Mr. H. Krever as Chairman, and Mr. J. W. Morden, with power to the Chairman of your Committee to add. In addition Mr. Alistair Paterson is to be invited to sit in as an ad hoc member.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON INTERVIEWING PRISONERS IN PENAL INSTITUTIONS—Mr. Maloney

Your Committee met on the 22nd of February 1971, at 2:30

o'clock in the afternoon, there being present the Chairman, and the then Treasurer Mr. G. A. Martin, Q.C., as ex-officio member of the Committee. Also present were Messrs. Sedgwick and Strauss, who were invited to join the meeting.

The question put to your Committee was whether an "identity card" would be of any assistance to members of the profession or other employees intending to interview an inmate at a Penal Institution.

It was the opinion of your Committee that an Identification Card would be useful if it was done on a voluntary basis. The form to be used would be approved by the Society. Arrangements could be made after due notice was given to the profession for interested members to attend at the Society's offices on a particular day at which time a photograph could be taken and incorporated into the appropriate form. This arrangement could be extended to include the obtaining of Students' identity cards. Your Committee however in its recommendation, does not include the issuance of identity cards to Law Clerks. Their rights to interview prisoners would be at the discretion of the Governors of the jails.

Your Committee noted that should such a card system come into effect, when notices are sent out concerning a disbarment or suspension the authorities in the penal institutions would of necessity have to be advised.

THE REPORT WAS NOT ADOPTED.

RULES COMMITTEE — *Appointment of Representatives*

Moved by Mr. Krever, seconded by Mr. Carley, that Messrs. J. J. Carthy, G. D. Finlayson and R. J. Rolls be re-appointed representatives of the Law Society of Upper Canada on the Rules Committee for a further term of three years from the 1st July 1971. *Carried.*

APPLICATION FOR RE-ADMISSION — *Donald Jerry O'Brien, Chatham*

An application from Donald Jerry O'Brien to be re-admitted to membership in the Law Society of Upper Canada was before Convocation.

Moved by Mr. Thom, seconded by Mr. Lochead, that the application be referred to the Discipline Committee for consideration and report. *Carried.*

Mr. O'Driscoll took no part in the discussion and did not vote.

CONVOCATION THEN ROSE

The Treasurer and Benchers entertained as their special guest at luncheon Dr. H. Allan Leal, Q.C., Chairman, Ontario Law Reform Commission.

Read in Convocation and confirmed this 17th September, 1971.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 17th September 1971
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Beament, Borins, Bowlby, Callon, Carley, Cartwright, Cass, Cassels, Cooper, Cory, Estey, Evans, Fennell, Finlayson, Grange, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lerner, Levinter, Maloney, Morden, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pallett, Pattillo, Shapiro, Sheard, Sopha, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston and R. F. Wilson.

The Minutes of Convocation of the 18th June, 1971, were read and confirmed.

SPECIAL COMMITTEE ON THE COMPETITION ACT

Moved by Mr. MacKinnon, seconded by Mr. Cass, that the Treasurer appoint a Special Committee on The Competition Act. *Carried*

The Treasurer appointed Messrs. Henderson (Chairman), Carley and Cory, with power to add further members.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 9th day of September at 3:00 p.m., the following members being present: Mr. B. J. MacKinnon (Chairman), and Messrs. Borins, Callon, Carley, Cass, Cory, Grange, Gray, Henderson, Howland, Krever, Pattillo, Shapiro, Sopha and Thom.

DIRECTOR'S REPORT

Destruction of Answer Booklets. The Committee is asked for instructions to destroy examination answer books on the 1st of October without notice unless an enquiry has been made by, or on behalf of the student. *Approved*

Appointment of Instructors. The Director requests the approval of the Committee to the following appointments to the faculty of the Bar Admission Course:

Civil Procedure II

Joseph W. O'Brien, Esq., as Assistant Head.

Creditors' Rights and Bankruptcy

Ronald R. Anger, Esq., as Stand-by Instructor.

R. G. Bumstead, Esq., as Stand-by Instructor.

Stanley Naftolin, Esq., as Stand-by Instructor.

Robin D. Walker, Esq., as Stand-by Instructor.

G. Ian Ferguson, Esq., to be promoted to Instructor for the current teaching term in place of M. I. Applebaum, Esq., resigned.

D. J. Brown, Esq., to be promoted to Instructor for the current teaching term.

L. S. Crackower, Esq., to be promoted to Instructor for the current teaching term.

Real Estate

Leonard Fine, Esq., as Instructor in place of T. P. O'Connor, Esq., resigned. *Approved*

Penalty for late registration of Articles

The Secretary has drawn attention to the fact that Rule 50 setting out the fines to be paid in the event of a late registration, makes no provision for the maximum amount to be levied. However, the practice has developed of limiting the amount to one hundred dollars and it is respectfully suggested that your Committee recommend that the Rule be amended to provide for this maximum.

Your Committee recommends that this be approved subject to the approval of the Finance Committee.

Advisory Committee on Examination Policy

This Committee, comprised of Melville O'Donohue, Q.C., Jeffrey K. Smith and the Director, reported to your Committee at its June meeting. On the 19th of August, it met again to consider what further questions should be dealt with and it is respectfully requested that this Committee be instructed to investigate and report on the following:

(a) In view of the new policy with respect to the disclosure of examination results, does the function of the Board of Review, made up of the Chairman and Vice-Chairman of the Legal Education Committee and the Director, necessarily change?

(b) Should the Board of Review meet after each exam to consider the marks scored and particularly those below the 50% level?

(c) Should the marks be adjusted according to a standard or formula, and if so, what standard or formula?

(d) Should the composition of the Board of Review be changed to include the Head of the Section whose examination is under scrutiny?

(e) Should there be a right of appeal from the Review Board with respect to each examination or only with respect to a decision that the student has failed the Bar Admission Course?

(f) Who should comprise the Committee of Benchers hearing appeals from the Board of Review? Should members of the Board of Review be permitted to sit on the Committee of Benchers?

(g) Any other questions which your Committee deems fit to refer. *Approved*

Income Tax Material

A book on the Tax Reform Bill consisting of about 500 pages divided into 11 chapters was prepared as study material for the programme. All registrants received complimentary copies and a notice will appear in the September 10th issue of the *Ontario Reports* announcing that copies will be made available to the profession at large at $40 each.

Benson Dinner

The Treasurer and Benchers entertained the Hon. Edgar J. Benson, Minister of Finance, at dinner in the Royal York Hotel on the 26th August, 1971. The Treasurer introduced Mr. Benson who then spoke on tax reform to approximately 500 members of the Bar, most of whom had registered in the Income Tax Section of the Continuing Education Programme. He was thanked by Mr. Joseph Sedgwick, Q.C.

Instructional Media Centre

This organization does all of our required recording, assists with the production of transcripts, advises on programming, and is producing television materials for viewing by our students and profession. In order to properly protect the Law Society, an agreement should be entered into with the Governors of the University of Toronto providing for the assignment to the Society and with respect to the assignment of copyright by individuals to the Society of copyright and all other rights

of programmes produced by the Instructional Media Centre of the University of Toronto for our use. I respectfully request instructions to engage solicitors to prepare such an agreement.
Approved

Estimates

The 1971-1972 estimates are before the Committee.
Approved

PETITIONS

John Michael Clancy wishes to serve the Hon. Mr. Justice Hartt, Chairman of the National Law Reform Commission, during his term of service under articles. This candidate's application has not yet been processed.

Your Committee recommends that this be approved provided he is articled to a member of the Bar.

Gordon L. Echenberg. Mr. Echenberg intends to transfer from Quebec under the amended regulation which permits him to enter by successfully completing a comprehensive examination on the Substantive Law and a second examination on Ontario Practice and Statutes. He requests permission to write the examination out of the usual order by taking the second examination first. This would enable him to sit the examination on Statutes in January and write the comprehensive in March or April. If he does not meet the January date, he will be obliged to delay the second examination until May or September, the other two fixed times for the sittings.

It is recommended that for administrative reasons this permission be refused.

Your Committee also recommends he be advised he cannot audit the Bar Admission Course as requested.

John D. Evans. In a letter to the Treasurer of the 29th June, 1971 Mr. Evans asked to be given credit for the work done in law offices during his LL.B. course and excused from further service under articles in the Bar Admission Course.

Your Committee recommends that this petition be refused.

Peter Wershof whose father has been appointed Canadian Ambassador to Czechoslovakia, asks permission to terminate his period of articles three weeks earlier than would normally be allowed to enable him to take an extended trip to Prague next year to visit his parents. He commenced articles on June 21st, 1971.

Your Committee recommends he be advised that under the present regulation the petition cannot be granted, but since the matter is under review this action is without prejudice to the petitioner's right to repetition in 1972.

John Donald Morand completed his articling period making him eligible to enter the teaching portion of the Bar Admission Course in September 1970, but did not do so. He now seeks permission to enter the September 1971 teaching period.

Your Committee recommends the petition be approved.

Ernest Winston Tennant presently in the articling portion of the Bar Admission Course, requests that his entrance to the teaching period of the Bar Admission Course be delayed from September 1971 to September 1972 in order that he may attend McGill University to seek a Master of Laws Degree.

Approved

Michael A. Hardy wishes to defer entrance into the teaching portion of the Bar Admission Course until September 1972.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, 9th day of September 1971 at 2:00 p.m. the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson and Messrs. Beament, Borins, Callon, Cartwright, Grange, MacKinnon, Pattillo, Sopha and Thom.

Admission of Students-at-Law

Bar Admission Course

A total of 613 candidates having paid the required admission fee of $101 and filed the necessary papers, have applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1st, 1971 under Bar Admission Regulation — Part II — No. 2.

In addition, the following candidates have applied:

Under Regulation 4—From Another Province

Regulation 4(3)

619. HUBSCHER, FRED FRANK — Quebec Barrister

Under Regulation 5—From United Kingdom Ireland

Regulation 5(1)

620. CARBERRY, JEAN PATERSON — Scotland

621. GILLESPIE, GERALD FRANCIS — Scotland
622. LAURENCE, DENYS MEADE — England

Under General Transfer Regulations

623. GRAHOLM, LEONARD — Saskatchewan
624. KAY, BERNARD LAWRENCE — Alberta
625. TROY, ORVAL JOHN THOMAS — North West Territories

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidate having filed the necessary papers and complied with the requirements of the Admission Committee in his particular case is now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Douglas J. Sherbaniuk Special — Faculty of Law, University of Toronto. Fee $200.00 *Approved*

CALL TO THE BAR FOR OCCASIONAL APPEARANCES

Donald Gordon Cummings, Alberta

At its meeting on the 13th May, 1971 Convocation adopted the recommendation of the Admissions Committee that Ronald Gordon Cummings, Esq., be allowed to proceed under the Admissions Committee's Regulation 10 governing 'Occasional Appearances in Ontario' of lawyers from other Provinces and that upon giving the necessary undertakings he be called to the Bar and admitted as a solicitor. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1970:

Under Bar Admission Course Regulations — Part II - No. 2

526 BROPHY, BERTRAM EDWARD — B.A. St. Francis Xavier 1967; LL.B. Dalhousie 1970

527 PINOS, GRAHAM FRANK — B.A. Sir George Williams 1966; LL.B. University of New Brunswick 1970.

Approved

DIRECT TRANSFERS

Applications for transfer to practice in Ontario were considered and approved from seven solicitors in other parts of

Canada, as was an application from a United Kingdom solicitor under Regulation 5(1). An application was received from a solicitor in Australia, but in the particular circumstances was refused without prejudice to his right to re-apply at a later time when new regulations come into force. The Committee also dealt with the following applications: Two from solicitors in Ceylon, two from solicitors in West Pakistan, one from a solicitor in India. These were approved to sit the qualifying examinations for entrance into the Bar Admission Course.

PETITIONS

Your Committee considered fourteen petitions relating to attendance in the Bar Admission Course, some seeking relief from the penalty for late filing, one to delay entering the course, and others for sundry purposes and nine were granted and five refused.

ADMISSION TO THE BAR ADMISSION COURSE

Bruce Laird (B.A. University of Western Ontario 1963; LL.B. University of Western Ontario 1966). As it has been five years since Mr. Laird received his LL.B. degree he now seeks to enter the Bar Admission Course. As is evident from his petition he has maintained his interest and activity in the law. Mr. Laird's application to enter into articles in September was given conditional acceptance subject to the approval of the Committee. *Approved*

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200:

Keith Burnett Farquhar, LL.B. (University of Wellington, New Zealand)

Hudson Noel Janisch, B.A. (University of Rhodes); LL.B. (University of Cambridge) *Approved*

Simon Ritchie Fodden, B.A. (Princeton University); LL.B. (Osgoode Hall Law School of York University.) *Approved*

Peter David Maddaugh, B.A. (University of Queen's); LL.B. (University of Toronto) *Approved*

Your Committee recommends that Mr. Farquhar present more information.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in September 1971, is before the Committee. Three candidates sat the examination. The following candidates have passed:

Thomas Ross Anthony Malcolm
Donald Lockett Whitman

One candidate has failed: *Approved*

ESTIMATES 1971-1972

The estimates for the year 1971-1972 are before the Committee. *Approved*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 9th day of September 1971, the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Cartwright, Fennell, Henderson, Howland, MacKinnon, Pattillo, Sopha, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st day of June to the 31st day of August 1971 accounts, including Library Accounts, properly approved, to the amount of $310,760.84 have been paid. *Approved*

FINANCIAL STATEMENT, 1st July 1970 to the 31st August 1971.

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st July 1970 to the 31st August 1971. *Approved*

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

Morris Carlton Hay, Q.C., Walkerton	Called—15 June 1944 Appointed Provincial Judge, May 3, 1971
Hugh M. O'Connell, Whitby	Called—25 June 1959 Appointed Junior Judge, York County, June 14, 1971

Harold W. Gauthier, Q.C., Timmins	Called—18 September 1947 Appointed Provincial Judge, Criminal Division, District of Cochrane, June 1, 1971
Herbert C. Mosser, Walkerton	Called—26 March 1965 Appointed Provincial Judge, Criminal Division, Bruce County, 5 July 1971
Francis J. Z. Kovacs, Q.C., Welland	Called—23 June 1955 Appointed Junior Judge, Judicial District of Niagara North, September 3, 1971.
George A. Stiles, Q.C., Cornwall	Called—16 September 1937; Appointed County Court Judge, Stormont, Dundas & Glengarry, June 30, 1971

Deaths

The following former members of the Law Society have died:

Alexander J. McComber, Q.C., Thunder Bay	Called—20 October 1955; Deceased—7 June 1971.
Louis H. Swartz, Windsor	Called—21 October 1926; Deceased—15 June 1971.
T. F. R. Harcourt, Toronto	Called—17 January 1958; Deceased—28 May 1971.
Lucien C. Kurata, Q.C., Shelburne	Called—18 November 1948; Deceased—17 June 1971.
Jacob Markus, Toronto	Called—13 September 1923; Deceased—17 June 1971.
Albert A. Brown, Q.C., Hamilton (Honorary Life Member)	Called—21 October 1920; Deceased—19 June 1971.
Alexander Bissett, Q.C., Toronto	Called—19 September 1929; Deceased—22nd June 1971.
Richard J. J. Furnell, Toronto	Called—26 March 1965; Deceased—13 July 1971
Ewen J. MacEwen, Sarnia (Honorary Life Member)	Called—17 July 1916; Deceased—July 1971.
Eugene B. Stirling, Ridgetown	Called—21 January 1932; Deceased—22nd July 1971.
James B. Metzler, Q.C., Downsview	Called—15 November 1934; Deceased—26 July 1971.

Donald McI. McKenzie, Mount Forest	Called—10 February 1927; Deceased—August 1971.
William R. Wadsworth, Q.C., Toronto (Honorary Life Member)	Called—1899; Deceased—August 29, 1971.
Harold B. Church, Q.C., Orangeville (Life Member)	Called—19 May 1921; Deceased—30 August 1971.
James K. Hunter, Goderich	Called—17 November 1938; Deceased—August 1971.
Leonard C. Thomas, Q.C, Ottawa (Life Member)	Called—16 June 1921; Deceased—26 June 1971.

Noted

TERMINATION OF SUSPENSION

re Annual Fees

Mr. Robert W. Stanley, Port Dover, who was suspended for non-payment of his annual fees from the 18th June 1971, has now paid his fees and has been restored to the practising rolls.

re Errors and Omissions Insurance levy

The following members of the Society who were suspended from practice on the 18th June 1971 for failure to pay the levy prescribed under section 53 of The Law Society Act 1970, have now paid the levy and have been restored to the practising roll:

Marianne E. Barrie, St. Thomas.
Gordon R. Mackay, Toronto.
James M. Regan, Toronto.

Noted

ARREARS OF ANNUAL FEES—Remington White

Mr. Remington White of Beaverton has not paid his annual fees since 1965 and consequently is in arrears for five years. By letter of June 20, 1971 Mr. White advises that he has been ill, but hopes to be able to return to practice in Beaverton in a limited way. He asks to be allowed to be reinstated upon payment of "all qualifying fee and insurance premium for the current fee year of 1970-1971".

Your Committee recommends that Mr. White be advised that to be reinstated he must pay his arrears of fees.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970.

The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

CHANGE OF NAME

William Howard Stone appears on the rolls of the Society as *William Grinstein.* By Order of His Honour Judge Phelan pursuant to the Change of Name Act granted by the County Court of the Judicial District of York dated the 12th August 1971, the name of Wolf Grinstein was changed to William Howard Stone. He asks that the relevant changes be made on the rolls and records of the Society.

Approved

Jeffrey Howard Burns appears on the rolls of the Society as *Jeffrey Howard Bernstein.* By Order of His Honour Judge O'Connell pursuant to the Change of Name Act granted by the County Court of the Judicial District of York dated the 16th July 1971, the name of Jeffrey Howard Bernstein was changed to Jeffrey Howard Burns. He asks that the relevant changes be made on the rolls and records of the Society.

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society:

Name	Address	Date of Call	Normal date of Call
1. Calder, Roy Crooker	St. Catharines	19 May 1921	1922
2. Cattanach, John Arpad, Q.C.	Markham	19 May 1921	1922
3. Church, Harold Ballentine, Q.C.	Orangeville	19 May 1921	1921
4. Clark, Ellis Wickham, Q.C.	Toronto	19 May 1921	1925
5. Coatsworth, Cuthbert Peart	Toronto	19 May 1921	1924
6. Eagleson, Franklin Bell, Q.C.	Toronto	19 May 1921	1924
7. Ellis, Douglas Beaumont	Windsor	19 May 1921	1923
8. Esten, Maurice Hutchison, Q.C.	Barrie	19 May 1921	1923

Name	Address	Date of Call	Normal date of Call
9. Farmer, Carl Victor	Toronto	19 May 1921	1923
10. Frost, The Honourable Leslie Miscampbell, P.C., Q.C.	Lindsay	16 June 1921	1921
11. Gordon, Edward Clarence	Toronto	16 June 1921	1922
12. Graham, Howard Douglas, Q.C.	Oakville	19 May 1921	1924
13. Ham, Kenneth Sheridan, Q.C.	Napanee	19 May 1921	1924
14. Harrison, Evelyn, Q.C.	London	15 September 1921	1921
15. Hooper, Mortimer Cleeve, Q.C.	Toronto	19 May 1921	1922
16. Huffman, John Richard, Q.C.	Toronto	19 May 1921	1924
17. Jamieson, Raymond Algernon, Q.C.	Almonte	15 September 1921	1921
18. LeBel, Honourable Arthur Mahony, Q.C.	Toronto	19 May 1921	1924
19. Logan, Robert Kenneth	Toronto	19 May 1921	1923
20. Morris, William Joseph Hubert, Q.C.	Toronto	17 March 1921	1921
21. MacDonald, Mary Katharine	Guelph	15 September 1921	1921
22. McManamy, John William, Q.C.	Thorold	19 May 1921	1922
23. McNish, Joseph Douglas, Q.C.	Toronto	19 May 1921	1924
24. Neil, Richard Henry, Q.C.	Thornhill	19 May 1921	1924
25. Pugsley, Frank Albert	Toronto	19 May 1921	1924
26. Riches, George Henry Wiseman, Q.C.	Toronto	20 January 1921	1921
27. Schott, Maxwell, Q.C.	Windsor	15 September 1921	1921
28. Seaman, Robert Lloyd, Q.C.	Thunder Bay	19 May 1921	1924
29. Smith, Lloyd Havill, Q.C.	Hamilton	19 May 1921	1924
30. Squires, Frank Milton	Oakville	19 May 1921	1924
31. Thomas, Leonard Charles, Q.C.	Ottawa	16 June 1921	1924

32. Thompson, Joseph Williams, Q.C.	Toronto	19 May 1921	1924
33. Tillson, Victor Harrison, Q.C.	Tillsonburg	19 May 1921	1923
34. Wardlaw, Norman Nelson, Q.C.	Orangeville	19 May 1921	1921
35. Wardrope, William Hugh Masson, Q.C.	Ottawa	21 April 1921	1924

Approved

DISCIPLINE COMMITTEE—Mr. Thom

General Report

Your Committee met on the 9th day of September 1971 at 10:45 o'clock in the morning, the following members being present: Mr. Stuart Thom (Chairman), Mr. Beament (Vice-Chairman), Messrs. Borins, Carley, Cartwright, Cass, Cory, Evans, Finlayson, Gray, H. E. Harris, Henderson, Krever, Levinter, MacKinnon, Maloney, O'Driscoll, Pattillo, Shapiro, Steele, Strauss, Trepanier and White.

1. Compensation Fund

Your Committee was advised that there was presently in the Compensation Fund Bank Savings Account, the sum of $316,498.74, and your Committee recommended to the Finance Committee that $300,000.00 of this amount be placed in thirty-day deposit receipts.

2. Sub-Committee to "Study the Feasibility of Reviewing Cases and Making Precedents"

Your Committee considered the following Sub-Committee Report and recommended that it be adopted:

"On the 16th October 1970, Convocation approved the recommendation of the Discipline Committee that a Sub-Committee composed of Mr. Stuart Thom as Chairman, and Messrs. Ford and O'Driscoll be appointed to "Study the Feasibility of Reviewing Cases and Making Precedents".

This Sub-Committee was appointed by the Discipline Committee as a result of a Motion made at Convocation on the 15th May, 1970 to examine into the following matters:

(a) The feasibility of compiling a catalogue of disciplinary matters which have been dealt with by Convocation for a period of time prior to the date of this Motion, to be fixed by the Sub-Committee, but not to be less than five years.

(b) To explore the feasibility of making past decisions of Convocation dealing with disciplinary matters available to counsel appearing for members of the Society against whom a Notice of Complaint has been served, with special reference to the problem of preserving where necessary the anonymity of the member of the Society who was so disciplined by Convocation.

(c) The Sub-Committee to be empowered to employ a research assistant subject to obtaining consent from the Finance Committee or Convocation in the matters of remuneration.

Your Sub-Committee met on the 7th of January 1971, the following members being present: Mr. Stuart Thom, Chairman, and Messrs. Ford and O'Driscoll. Mr. J. D. Bowlby was also present.

Your Sub-Committee reports that it agrees in principle with the proposals inherent in parts (a) and (b) of the Motion, namely that a catalogue of disciplinary matters should be made available to counsel but considers that further study is required before plans for the practical working-out of these proposals can be discussed. With regard to part (c) of the Motion and with a view to maintaining confidentiality, your Committee recommends that Kenneth Jarvis be appointed to conduct such a study with power to employ a secretary who would be one of the present staff of the Society, to assist him in reviewing the records and compiling relevant data".

3. NOTICES TO COMMITTEE

Your Committee directed the Secretary not to indicate the names of solicitors "invited to attend" in notices of meetings which are sent out to the Committee members.

4. ESTIMATES

Your Committee considered the estimates for 1971-1972 fiscal year, for submission to the Finance Committee, in the amount of $122,000, which is made up of $67,000 for salaries and $55,000 for sundries.

THE REPORT WAS ADOPTED.

Mr. Beament (Vice-Chairman) presented the Reports of the Discipline Committee:

RE COMPENSATION FUND

January 1st to June 30th, 1971

Balance on hand, December 31st, 1970	$1,386,919.90

RECEIPTS		
Recovery	$ 1,876.15	
Investment Income	30,630.31	
Fees	21,090.00	
Bank Interest	468.49	
Profit on Sale of Bonds	3,750.00	57,814.95
		$1,444,734.85
DISBURSEMENTS		
Reporters, Counsel fees, etc.	$11,630.16	
Grants	74,115.72	
Refunds	240.00	85,985.88
BALANCE ON HAND JUNE 30th, 1971		$1,358,748.97

INVESTMENTS	*Book*	*Par*
Gov't of Canada 1983 4½%	$ 50,000.00	$ 50,000.00
Canada Bonds 1980 6¼%	500,000.00	500,000.00
Canadian Imperial Bank of Commerce Deposit Receipts	475,000.00	475,000.00
	$1,025,000.000	$1,025,000.00

DETAILS

During the period January 1st to June 30th, 1971, the Discipline Committee considered applications for grants from the Compensation Fund in respect of J. E. Harris, F. Bannon, N. Pivnick, G. R. R. Frame and J. L. Chapman. The following grants were made during the period. In each case where a grant was made your Committee was satisfied that a solicitor and client relationship existed and that the loss resulted from misappropriation by the solicitor.

CLAIMS PAID — January 1st to June 30th, 1971

Re: *Frederick James Bannon* (Disbarred 15th May, 1970)	
10 claims	$50,107.75
Re: *John L. Chapman* (Resigned 18th April, 1969)	
1 claim	865.00
Re: *George R. R. Frame* (Disbarred 18th September, 1970)	
6 claims	8,565.97

Re: John E. Harris (Disbarred 3rd February, 1970) 3 claims	7,327.00
Re: Nathan Pivnick (Deceased 7th November, 1968) 3 claims	7,250.00
TOTAL CLAIMS PAID, January 1st to June 30th, 1971	$74,115.72

RECOVERIES

Re: G. R. R. Frame	$ 1,876.15

OUTSTANDING CLAIMS

Claims outstanding December 31st, 1970		$1,887,670.49
Received during period		759,881.46
		2,647,551.95
Withdrawn or dismissed	$368,420.88	
Paid (amount of original claim)	94,828.53	463,249.41
Claims outstanding June 30th, 1971		$2,184,302.54

APPLICATIONS OUTSTANDING AS OF JUNE 30th, 1971

Solicitor	*Amount Outstanding*	*No. of Applications*
F. J. Bannon	$ 21,530.03	1
A. F. Blotti	555,546.00	46
David Bowman	120,776.81	12
Sidney Caplan	724,351.38	65
Wallace Card	3,000.00	1
Howard L. Coleman	1,000.00	1
Douglas V. Gaebel	100.00	1
John W. F. Goodchild	21,692.59	3
John E. Harris	551,827.90	5
G. M. Kennedy	41,551.81	6
Charles McGrath	7,301.81	1
Yves Parisien	18,857.41	3
George W. Passi	13,861.05	4
Nathan Pivnick	102,905.75	13
	$2,184,302.54	162

COMPENSATION FUND

Two Months Ending 31st August, 1971

Balance on Hand, 30th June, 1971		$1,358,748.97
Receipts		
Fees	$ 120.00	
Investment Income — Guar. Dep. Int.	4,582.23	
Recovery — G. R. R. Frame	59.22	4,761.45
		$1,363,510.42
Disbursements		
Grants — Pivnick	$27,152.41	
Counsel Fees, Reporters, etc.	5,459.27	32,611.68
Balance on Hand, 31st August, 1971		$1,330,898.74
Outstanding Claims		
Claims outstanding 30th June, 1971		$2,184,302.54
Received during period		
— Coleman (4)	$ 6,894.60	
— Young (1)	425.00	
— Caplan (1)	16,000.00	
— Parisien (1)	17,234.12	
— Pikna (1)	26,000.00	66,553.72
		$2,250,856.26
Dismissed during period	$74,580.15	
Paid (Amount of Original Claims)	78,749.66	153,329.81
*Claims outstanding 31st August, 1971		$2,097,526.45
TOTAL CLAIMS PAID to 31st August, 1971 (765 on account of 75 former solicitors)		$2,419,000.19

*Blotti	— $555,546.00
Bowman	— 120,776.81
Caplan	— 740,351.38
Harris	— 492,422.90
	$1,909,097.09

COMPENSATION FUND

For the Period 1st July 1970 to 31st August, 1971

	Month of Aug. 1971	14 Months ending 31st August, 1971		
Balance on Hand, 30th June, 1970				$1,225,491.67
RECEIPTS				
Fees — 6,258 at $30.00	$ 60.00		$187,740.00	
Investment Income				
—Gov. of Canada	—	$14,250.00		
—Guar. Deposit Interest	4,582.23	62,600.65		
—Bank Interest	—	935.27	77,785.92	
Recoveries				
—Wineberg	—	$ 4,200.17		
—Archibald Young	—	589.74		
—G. R. R. Frame	—	1,935.37	6,725.28	
Profit on Sale of Bonds	—		3,750.00	276,001.20
	$4,642.23			$1,501,491.87
DISBURSEMENTS				
Grants				
—Bannon (10)	—	$50,107.75		
—Szczeglik (1)	—	2,241.60		
—Marentette (1)	—	9,500.00		
—Pivnick (13)	—	60,420.52		
—G. R. R. Frame (7)	—	12,365.97		
—Fitzpatrick (2)	—	5,459.68		
—J. E. Harris (3)	—	7,327.00		
—J. L. Chapman (1)	—	865.00	$148,287.52	
Counsel Fees, Reporters, etc.	168.00		22,006.61	
Fee Refunds	—		300.00	170,594.13
	$4,474.23	Balance — 31/8/71		$1,330,898.74

OUTSTANDING CLAIMS

Claims outstanding 31st July, 1971		$2,076,401.60
Received during period		
— Pikna (1)	$26,000.00	
— Coleman (1)	300.00	26,300.00
		$2,102,701.60

Dismissed during period	5,175.15
*Claims Outstanding 31st August, 1971	$2,097,526.45
Total Claims paid to 31st August, 1971 (765 on account of 75 former solicitors)	$2,419,000.19

*Blotti	$555,546.00
Bowman	120,776.81
Caplan	740,351.38
Harris	492,422.90
	$1,909,097.09

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Douglas John Sherbaniuk — Special — Faculty of Law, University of Toronto.

Ronald Gordon Cummings — Occasional Appearance — (Alberta).

DISCIPLINE COMMITTEE

RE: LLOYD ALLISON FITZPATRICK — *Application for Reinstatement*

The Reporter was sworn.

Mr. Fitzpatrick attended.

The Secretary read the Report of the Discipline Committee, composed of Mr. H. E. Harris as Chairman & Messrs Carley & Borins which recommended that the applicant should not be readmitted to membership in the Society.

The applicant made submissions and retired.

It was regularly moved & seconded that the Report be adopted. *Carried*

Messrs. Cass and Thom took no part in the discussion and did not vote.

PROFESSIONAL CONDUCT COMMITTEE — Mr. Maloney

THE PROFESSIONAL CONDUCT COMMITTEE *begs leave to report:*

Your Committee met on the 9th day of September 1971 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Callon, Cartwright, Cory, Fennell, FitzGerald, Grange, Krever, MacKinnon, O'Driscoll and Strauss.

1. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

Your Committee's attention was drawn to a questionnaire sent to lawyers in the Ottawa area by the United States Embassy. A letter accompanying this questionnaire stated that the Embassy on occasion received requests from American citizens for lawyers in the consular district interested in representing them in legal matters. The questionnaire, among other matters, asked for the field of specialization. Your Committee is of the opinion that it would be in order for members of the Society to reply to the questionnaire if this reference to a field of specialization was deleted and the questionnaire was distributed to every member of the Society within the consular district.

2. MISCELLANEOUS

(a) Your Committee considered a letter from a Toronto lawyer asking for advice. He has been asked to accept a retainer by a client who wishes to establish a divorce assistance service. According to the lawyer, the object of the client's venture is to provide an individual seeking a divorce with an efficient, swift and economical means of securing it. The client would not practise law in any way by giving an opinion as to the possible grounds of divorce or likelihood of success. For its fee the client would secure preliminary routine information, secure marriage licences and provide reasonable means of financing. The intention would be for the client to retain the lawyer on a fixed monthly basis to review information supplied by the applicant for the preparation of the Petition, to interview the applicant to determine the availability and nature of the grounds for the divorce to make sure the documents are properly prepared, filed and served, to appear on such motions for substitutional service as may be necessary, to interview witnesses, appear at the hearings and prepare Decrees Nisi and Absolute. Your Committee instructed the Secretary to advise the lawyer that it disapproves of the proposed scheme, the view being that if he were to take part, he would be participating in the unauthorized practise of law by the client.

(b) Your Committee has been asked whether a barrister can place overdue accounts in the hands of a collection agency. Apparently, the enquirer has a number of long overdue accounts which are all for fairly small amounts. He hesitates to tax them or sue for them in Small Claims Court, because of the expense involved and the possibility of "throwing good money after bad". The Committee instructed the Secretary to advise the lawyer that on the basis of the facts set out by him, the Committee could find no objection to this practice.

(c) A lawyer has written setting out a situation in which he proposed to become involved and enquires whether there would be any objection to the arrangements. The facts are as follows: He would become a shareholder in a company which is being formed for the purpose of investment. The prospective borrower is referred to the company by a mortgage broker, who also is a shareholder. If the loan is accepted by the company, the broker deducts his brokerage fee and estimates the legal fees so that the loan, when eventually put out, will be a net loan. The company then refers the transaction to the lawyer and he conducts the necessary searches to certify title to the company and charges his fee. The money that he should be gettting as fees is then put back into the company for growth purposes. As a matter of interest the brokerage fee is also put back in by the broker. Your Committee was of the opinion that eventually there would be a fee splitting with the other shareholders in the firm, who are not lawyers, and that this would violate the provisions of Ruling 28 of the Rules of Professional Conduct, which reads, in part, as follows:

> "Any arrangement whereby solicitors directly or indirectly share, split or divide fees with conveyancers, notaries public, students, clerks or other persons who bring or refer business to the solicitor's office is improper and constitutes professional misconduct. It is similarly improper for a solicitor to give any financial or other reward to such persons for referring business."

(d) At its June meeting, your Committee considered an enquiry from an out of town lawyer for its views on a situation wherein a letter that should have been forwarded to that lawyer was, in error, directed to the firm on the other side of an action. The letter contained detailed comments upon the statement of defence and counter claim. Approximately three weeks later, the lawyer learned that the letter had been wrongly addressed and wrote to the other firm. Another week elapsed, at which time the firm replied enclosing the letter that had been wrongly addressed, a statement being made that the firm had contacted a member of the Professional Conduct Committee, who gave an informal opinion that the letter ought to be returned without any copy or notes being made. The lawyer asked whether, in the circumstances, it was proper for the firm to continue to act in the litigation. The Secretary was instructed to advise the lawyer that, on the facts as stated in the correspondence, the Committee was of the opinion that the firm should not withdraw from the litigation.

3. ESTIMATES

Your Committee considered the estimate for the 1971-1972 fiscal year, to be in the amount of $5,000.00, for submission to the Finance Committee.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE — Mr. Steele

Your Committee met on Thursday, the 9th day of September, 1971, the following members being present: Messrs. Steele (Chairman), Borins, Carley, H. E. Harris, Grange, Maloney and Shapiro, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 30th June, 1971, and 31st August, 1971, were approved as follows:

GREAT LIBRARY

	Books	*Sundries*	*Salaries*
Estimates	$35,000.00	$6,000.00	$102,812.00
Expenditures — June 30/71	34,922.08	3,910.13	107,839.79
Expenditures — Aug. 31/71	39,251.55	4,121.37	128,754.21

SPECIAL ACCOUNT

Estimates	$23,472.52
Expenditures — June 30/71	1,312.82
Expenditures — Aug. 31/71	1,312.82

BAR ADMISSION COURSE LIBRARY

	Books	*Salaries*
Estimates	$18,000.00	$10,500.00
Expenditures — June 30/71	12,450.65	6,101.46
Expenditures — Aug. 31/71	15,119.11	7,118.12

Approved

GIFTS AND DONATIONS

Mr. Roy C. Sharp, Q.C., Toronto, has donated a total of *50 miscellaneous volumes*, including the Statutes of Canada and Ontario, various texts and the Canada Law Reports, Exchequer Court Division.

York County Law Association has donated a total of 18 volumes of various *Statutes of Ontario*.

Noted

BOOK LIST

A list of books which have been ordered for the Great Library was approved. *Approved*

COUNTY LAW LIBRARIES

GIFTS AND DONATIONS

The Great Library has supplied the following county and district law associations with bound and unbound materials from its sets of duplicates:

Muskoka Law Association		
Statutes of Canada 1867-1951		103 volumes
Peel Law Association		
Canada Law Reports replacements		11 volumes
Rainy River Law Association		
Ontario Reports replacements	(unbound)	7 volumes
Canada Law Reports	(bound)	6 volumes
	(unbound)	6 volumes

Noted

ANNUAL GRANTS

The following associations have sent in their annual returns. The amounts which each should receive under the Rules for the year 1971 and the amounts received in 1970 are as follows:

	1971	1970
Essex	$2,000.00	$2,000.00
Haldimand	750.00	750.00
Lambton	1,880.00	1,705.00

Lincoln	2,000.00	2,000.00
Lindsay	1,010.00	1,008.34

Approved

ONTARIO STATUTE CITATORS

On the Chairman's instructions, a notice was sent to the Secretaries of all county and district law associations, concerning the importance of keeping the Ontario Statute Citator and other loose leaf services up to date. Information was recently received that these services were not being maintained properly by one association library. *Noted*

REPORTING

ONTARIO REPORTS:

REQUEST FROM CANADA LAW BOOK

Your Committee had a request before it from Canada Law Book Limited for blanket permission to reproduce in a new series of Land Compensation Report cases reported in the Ontario Reports and not reported in the Dominion Law Reports.

Your Committee recommends that such permission be given to Canada Law Book Limited on the following conditions:

1. That the cases reproduced in the new series be reproduced exactly;
2. That the Ontario Reports citation be given in each instance;
3. That any cases reproduced be published and appear first in the Ontario Reports.

ESTIMATES

BUDGET

Estimates for the year 1971-72 were approved in the following amounts:

Great Library	$162,136.00
Special Account	22,159.70
Bar Admission Course Library	28,000.00
County Libraries	77,000.00
Reporting	98,800.00

Moved by Mr. O'Brien, seconded by Mr. Finlayson, that item 1 under the heading "Reporting", be deleted from the Report and referred back to the Committee. *Carried*

THE REPORT AS AMENDED WAS ADOPTED.

Mr. Cartwright took no part in the discussion and did not vote.

Before taking part in the discussion concerning Canada Law Book Limited that was referred back, Mr. Morden declared that he had an interest.

UNAUTHORIZED PRACTICE COMMITTEE — *Mr. Strauss*

Your Committee met on Thursday, the 9th day of September 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Callon, Cass, Fennell, FitzGerald, Henderson, Sopha, Steele and Trepanier.

During the summer months Counsel was retained to investigate a complaint about a non-member acting on real estate and other transactions. The investigation is continuing.

Two separate actions against non-members acting on real estate transactions are scheduled to come to trial this month.

A third action has been commenced against a non-member for opening an office and representing himself to be a solicitor. No trial date has yet been fixed.

ESTIMATES 1971-1972

Estimates for the year 1971-72 were approved in the amount of $7,000.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS — *Mr. Henderson*

Your Committee met on Thursday, the 9th day of September, 1971, the following members being present: Mr. Henderson, Chairman, and Messrs. Carley, H. E. Harris, Krever and Pattillo.

ESTIMATES 1971-72

The estimates for the year 1971-72 were approved in the amount of $6,000.

GAZETTE — SPECIAL ISSUE

1972 marks the 175th Anniversary of the founding of the Law Society of Upper Canada. The Editor of the Gazette, Mr. John Honsberger, proposes that to celebrate the occasion a special issue of the Law Society Gazette be published. Some interest has been shown spontaneously by Clarke Irwin & Company, Book Publishers. At the Chairman's suggestion Mr. Honsberger and Mr. O'Driscoll will discuss the matter further with Clarke Irwin to see what participation could be arranged and what form the special issue should take. Mr. John Honsberger attended at the invitation of the Chairman.

Your Committee recommends that the matter be explored by the Chairman and Vice Chairman with the Editor of the Gazette and Clarke Irwin.

CONFERENCE OF THE GOVERNING BODIES

The Chairman reported on a meeting of the Public Relations Committee of the Conference which included Mr. Clyde Batten and the Public Relations consultants in each Province. He referred to the report of that Committee which had been adopted by the Conference. The report dealt with two aspects of Public Relations characterized as acting and re-acting. The profession is acting already in the area of informing its own members but is not yet effectively informing the public of the activities of the legal profession.

So far as reaction is concerned, it was the view of the Conference that insofar as matters of general legislation are concerned reaction should come primarily from the Canadian Bar Association but that the Governing Bodies should begin to react in matters which directly concern the profession and its government.

Following from this your Committee is giving thought to the role to be played by County and District Law Associations in reacting at the local level to news stories and events which take place in their area.

Your Committee recommends that the Legal Education Committee consider means to inform law students at an early time in their legal education of the work of the profession and the Society.

THE REPORT WAS ADOPTED.

LEGISLATION AND RULES COMMITTEE — *Mr. Pattillo*

Your Committee met on Thursday, September 9th, 1971, the following members being present: Mr. Pattillo (Vice-Chairman) and Messrs. Cory, Henderson and Shapiro.

ESTIMATES 1971-72

The estimates for the year 1971-72 are approved in the amount of $10,000.00.

LIFE MEMBERS, RULE 49(1) ERRORS AND OMISSIONS INSURANCE LEVY

At its meeting on the 11th of March, 1971 the Finance Committee carried a motion that Rule 49(1) be amended to provide that life members not be exempted from payment of further levies in respect of the Society's Errors and Omissions Insurance Plan.

The Committee's recommendation was adopted by Convocation.

Your Committee recommends that Rule 49(1) be amended by adding at the end of that sub-section the following:

> "other than the levy prescribed for the Society's Errors and Omissions Insurance Plan in respect of a life member who is covered by the Plan."

COMPENSATION FUND — TIME FOR FILING APPLICATION — LAW SOCIETY ACT, SECTION 51(6)

Section 51(6) requires notice of a loss to be given in writing within a certain period but does not specify a period within which the application itself is to be filed. It is suggested that when other amendments to the Act are being sought this omission be remedied.

It is also suggested that the Act be amended to provide for the summonsing of witnesses to appear at Compensation Fund hearings.

Your Committee so recommends.

SOLICITORS' LEGAL LIABILITY — ONTARIO CORPORATE TAX LIEN

In a letter from William B. Hagarty attention is drawn to a printed note appearing at the bottom of letterhead used by the Ontario Department of Revenue, Corporations Tax Branch, which states in part: "A notification claiming no lien for corporations taxes against particular properties will be honoured for a period of fifteen days from the date of issue provided there is no change in the terms of the transaction; . . ."

Mr. Hagarty submits that it is impossible to know how long the Department will take to issue its clearances so that obtaining one in writing for a closing date becomes extremely difficult. He also submits that lien clearances are being unreasonably withheld by the Department in some cases and that the tax arrears are not readily available upon inquiry.

Mr. Hagarty's letter is before the Committee.

Your Committee recommends that the Secretary be authorized to retain R. J. Roberts, Q.C. to give the Society his opinion of the matter and a recommendation as to what, if any, action should be taken.

THE REPORT WAS ADOPTED.

Motion to Amend Rule 49(1) — Life Members

Moved by Mr. Pattillo, seconded by Mr. Sheard, that Rule 49(1) be amended by adding at the end of that subsection the following:

> "other than the levy prescribed for the Society's Errors and Omissions Insurance Plan in respect of a life member who is covered by the Plan."

so that the subsection will now read:

> "49(1) Every member of the Society who has been entitled to practise in Ontario as a barrister or a solicitor or as a barrister and solicitor for fifty or more years becomes ipso facto a life member of the Society and as such is not liable to pay any fees, levies or assessments to the Society other than the levy prescribed for the Society's Errors and Omissions Insurance Plan in respect of a life member who is covered by the Plan." *Carried*

LEGAL AID COMMITTEE — *Mr. Callon*

Your Committee met on Wednesday, the 14th day of July, 1971, the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Bowlby, Cass, Cooper, Fairbairn, FitzGerald, Gray, Killeen , Lochead, O'Driscoll, Trepanier and Wallace. Mr. E. K. Pukacz, Executive Director, Department of Justice, was invited to attend the meeting to discuss financial matters with respect to the Legal Aid Plan.

Director's Report

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of May, 1971.

This report discloses that in respect of fees and disbursements and administrative costs, the Plan has disbursed $96,000 less than had been anticipated by budget for the two month period ended May 31, 1971. This under expenditure is to some extent accounted for by a slowing down in the payment of solicitors' accounts due to vacations and staff illness.

Contributions received from clients for the 2 month period totalling $60,348 are approximately $10,000 less than provided for in our budget. On the other hand client recoveries totalled $54,892 or approximately $15,000 more than the budgeted figure.

(b) The Director submitted recommendations for the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

(c) The Director submitted recommendations for the writing-off of client recoveries pursuant to Section 98(2) of the Regulation.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 2 months ended May 31st, 1971.

When compared with 1970 the statistical report for the 2 month period ended May 31st, 1971 shows the following increases in legal aid activity:

Activity	*% increase*
Informal applications	16
Forms 2 received	10
Certificates issued	4

It is interesting to note that the rate of refusal of legal aid certificates for the two months under review is 23% compared with 11% for the same 2 month period in 1970.

There are indications that the rate of increase in overall legal aid activity is slowing down. The comparative percentage increases one year ago were as follows:

Informal applications	24%
Forms 2 received	22%
Certificates issued	25%

There appears to be a change in the number of criminal and civil certificates issued in the York County operation in that for the months of April and May, 1970 the certificates issued were divided 48% for civil matters and 52% for criminal matters, whereas for April and May in this year, 1971, the division is 35% in civil matters and 65% in criminal matters.

(b) The Controller submitted a statement of solicitor's accounts for services rendered the Legal Aid Plan.

(c) The following leases, were approved by your Committee:

i) *Counties of Prescott & Russell* — Cor. King & Water Sts., L'Orignal — one year — 1st May, 1971 to 1st May, 1972 — $90 per month.

ii) *County of Lambton* — 270 North Christina St., Sarnia — one year — 1st June, 1971 to 1st June, 1972 — $102 per month

iii) *District of Muskoka* — 355 Muskoka St., So., Gravenhurst — one year — 1st July, 1971 to 1st July, 1972 — $90 per month

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of June, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of June, 1971.

LEGAL ACCOUNTS CORRESPONDENCE

The Committee reviewed two letters received by the Legal Accounts Officer from B. H. Kelloch, Solicitor and C. L. Campbell, Solicitor, McCarthy and McCarthy, with respect to the remuneration to be paid Law Clerks.

Your Committee referred the two letters to the Sub-Committee to Review the Tariffs for its consideration and recommendation.

LEGAL AID BUDGET

Your Committee discussed with E. K. Pukacz a five year budget forecast, requested by the Treasury Board, with respect to the operation of the Ontario Legal Aid Plan.

A Report, setting out the forecast will be presented to Mr. Pukacz in the Fall.

LEGAL AID PILOT PROJECT TO PROVIDE LEGAL SERVICES TO THE COMMUNITY

(a) *Press Release*

Your Committee noted a press release dated June 17th, 1971 from the Treasurer of the Law Society announcing the establishment of a pilot project in Metropolitan Toronto.

The press release read as follows:

> "The Law Society of Upper Canada announces as part of a legal aid pilot project that experienced practising lawyers will be made available to provide legal services to the community under the Ontario Legal Aid Plan at the following centres:

1. East York
   The Neighbourhood Information Centre,
   101 Barrington Avenue,
   Toronto, Ontario.
   Tuesday evening 6 to 9 — 698-1626

2. New Toronto
   Action Service Contact Centre,
   185-5th Street,
   New Toronto, Ontario.
   Monday afternoon 1 to 4 — 255-5322
3. North Etobicoke
   Rexdale Community Information Directory,
   1530 Albion Road,
   Rexdale, Ontario
   Thursday evenings 6 to 9 — 741-1553
4. Humber College Queensway Campus,
   56 Queen Elizabeth Blvd.,
   Toronto, Ontario.
   Monday afternoon 1 to 4 — 259-5411.

Citizens in these communities will be informed of the programme and the availability of lawyers under the Legal Aid Plan through notices in the local press, through the distribution of handbills and through existing social agencies. Every effort will be made to meet the language problem in each area.

Further locations in Metropolitan Toronto are under consideration and will be announced as soon as possible. Similar pilot projects in other areas in the Province are also under consideration by the Law Society.

The Law Society has been concerned that there may be financially disadvantaged persons in the community who need legal assistance but who are either unaware of their rights under the Legal Aid Plan or are unable to avail themselves of these rights. By this new approach of locating lawyers in the community, it is hoped that the benefits of the Legal Aid Plan will in fact be made readily available to all needy persons.

The establishment of community locations in and about Toronto is an implementation of a trial programme similar to one which has been in effect in the City of Ottawa for the past four months.

The Society also announces that the York County Legal Aid Office at 73 Richmond Street West will remain open two evenings each week commencing next week to meet the needs of people who are unable to attend at regular daily hours.

Sydney L. Robins,
Treasurer,
June 17th, 1971. The Law Society of Upper Canada"

(b) Distribution of Handbills

The Director advised the Committee that handbills were distributed throughout three centres in Metropolitan Toronto — East York, Rexdale and New Toronto. Seventeen thousand copies of the handbill have been distributed and it has been printed in English, Portugese, French, Italian and Greek.

There is also a community service centre at Humber College (Queensway Branch). The handbills were not distributed in this area as the College agreed to undertake all the publicity.

Two more agencies have requested that duty counsel be provided in their areas and a further report will be made on these proposed projects.

Student Legal Aid

On Tuesday, June 15th, 1971 a meeting was held at Osgoode Hall at the request of students from the University of Toronto to discuss summer projects which have been subsidized by the Federal Government.

THE REPORT WAS ADOPTED.

Mr. Callon, Chairman, presented the Report of the Legal Aid Committee dated the 29th July, 1971:

On Wednesday, July 29th, 1971 the Treasurer called a meeting of the members of the Legal Aid Committee, the Chairman and Vice-Chairman of the Unauthorized Practice Committee, the Director of the Bar Admission Course, the Provincial Director and two Assistant Provincial Directors.

The following were present: S. L. Robins (Chairman) and Messrs. Beament, Bowlby, Callon, Cass, Cooper, Fairbairn, FitzGerald, Killeen, Levinter, Lochead, Morden, O'Driscoll, Poole, Trepanier and Wallace.

The following questions were discussed in depth at the meeting:

1. Should all Legal Aid in Ontario be administered through the Ontario Legal Aid Plan? Would a Legal Aid Plan which was financed federally or by a foundation be responsible to either the Law Society and/or the Minister of Justice for the Province of Ontario?
2. Should a director of a storefront law operation who is a member of the Law Society of Upper Canada be en-

titled to have his name placed on a Legal Aid Panel under the provisions of Section 25 of the Legal Aid Regulation? If he is so entitled, should there be any restriction on his accepting certificates for Legal Aid and representing persons who have been referred to his office by the legal aid office similar to the restriction prohibiting Area Directors from accepting certificates under Section 11 of the Ontario Legal Aid Regulation?

3. Section 8(1) of The Solicitors Act which limited to four the number of articled students a solicitor could have under articles has been repealed by an amendment (Amended 1970, c. 20). In view of the proposed storefront operation should there be a limit to the number of students which a solicitor can have under articles or, in the alternative, should a law school professor, albeit in good standing with the Law Society be permitted to have students articled to him when the purpose for such students is to operate a storefront law centre?

At the conclusion of the discussion the Treasurer turned the meeting over to the Chairman of the Legal Aid Committee and a meeting of the Legal Aid Committee was then convened so that some conclusions could be reached with respect to the matters raised in the aforesaid three questions.

After a thorough review the Legal Aid Committee approved the following two motions:

1. The Legal Aid Committee is resolved that all programmes for the provision of legal services for assistance in Ontario be subject to the supervision and coordination of the Law Society of Upper Canada through the Legal Aid Committee.
2. (a) That Dean LeDain, Osgoode Hall Law School, be informed that its proposals for the provision of legal assistance by means of what has been described as a neighbourhood or community law office has raised problems which require resolution by Convocation. The Committee has serious reservations concerning such matters as the issuance of legal aid certificates to a Professor in charge of a legal assistance clinic, the question of service under articles to a Professor and the safeguards necessary to ensure that a training clinic is not confused with the provision of Legal Aid under the Plan and other implications of professional conduct and responsibility.

   (b) That the Chairman write Dean LeDain inviting him and Professor Zemans to meet with the Committee and that the Chairman also write all law school Deans advising them of the content of the above motion.

THE REPORT WAS ADOPTED.

Mr. Callon, Chairman, presented the Report of the Legal Aid Committee dated the 11th day of August 1971:

Your Committee met on Wednesday the 11th day of August, 1971, the following members being present: Mr. Thomas Callon (Chairman), and Messrs. Beament, Bowlby, Cass, FitzGerald, Gray, Killeen, Levinter, Lochead, Morden, O'Driscoll, Poole, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of June, 1971.

The report of the Director covers the first quarter of this current fiscal year. The figures indicate a net expenditure of $34,000 in excess of the amount budgeted for those 3 months. This over-expenditure is analyzed as follows:

	Under-budget	Over-budget
Duty Counsel fees and disbursements	47,000	
Criminal Legal Aid fees and disbursements	20,000	
Civil Legal Aid fees and disbursements		111,000
Legal Advice		5,000
Administrative expenses		2,000
	67,000	118,000
		67,000
Net payment in excess of budget		51,000
Client recoveries in excess of budget	44,000	
Less client contributions below budget	27,000	17,000
		34,000

This analysis discloses two significant factors:

1. The large over-expenditure in civil legal aid fees is entirely occasioned by the fact that payments in divorce matters during the three month period under review

ran $110,000 in excess of anticipated expenditure. While the new divorce criteria are already being applied throughout the province, their effect on payments from the Fund will not be noticed for perhaps another 9 months.

2. While client contributions are still less than the Treasury Board's adjusted budgeting of this item they are still considerably more than Legal Aid management had anticipated. This is attributed in large measure to the success of the lien policy. In the 3 months under review 38 amounts secured by liens were paid off in full for a total of $12,785.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 3 months ended June 30th, 1971.

The statistical report for the 3 months ended June 30, 1971 provides further evidence of a diminishing rate of increase in legal aid activity. For this first quarter of our current fiscal year informal applications and Forms 2 received have increased over the same period last year by 13.7% and 10.3% respectively. One year ago the comparative rates of increase were 25% and 28% respectively.

The rate of refusal in respect of those persons making formal applications for legal aid was 24% (or approximately one in four) compared with a refusal rate of 11.4% in the same three month period last year. This significantly increased refusal rate is reflected in the fact that certificates issued have increased by only 2% as compared with the first quarter in the previous fiscal year and is further reflected in the activity of area committees considering appeals from the decisions of area directors. For this quarter under review area committees refused 269 appeals compared with 132 such appeals in 1970.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Ontario Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended July 31st, 1971.

(b) The Legal Accounts Officer submitted a report for the month of July, 1971 with respect to reviews and appeals.

PREPAYMENT OF CONTRIBUTIONS

The following is an excerpt from the Legal Aid Committee's report to Convocation dated June 11th, 1971

> "*Prepayment of Contributions*
>
> At a meeting called by E. K. Pukacz, Executive Director, Department of the Attorney General, Thomas P. Callon, Q.C., the Provincial Director, two Assistant Provincial Directors, the Controller, and representatives from the Treasury Board and the Department of Social and Family Services, were in attendance.
>
> E. K. Pukacz, Executive Director, Department of the Attorney General, proposed that it would be appropriate for the Ontario Legal Aid Plan to request payment in advance from contributing clients prior to issuing a certificate in matrimonial and other civil matters. It was suggested that 50% of the total client commitment should be payable before the certificate is delivered to the client. For example, if an applicant for a divorce certificate was found to be able to pay a total amount of $200 toward the cost of that divorce, then it should be a condition of issuing the certificate that 50% or $100 be received by the Area Director before the certificate is delivered.
>
> Your Committee moved that this policy be adopted and that the Area Directors be so advised without delay."

At its June 18th, 1971 meeting, Convocation referred this matter back to the Committee for further consideration.

After a full discussion the Chairman requested Messrs. Cass, Levinter and Wallace to draft criteria to assist Area Directors in issuing a civil certificate when the Area Director ascertains that a financial contribution can be made by the client.

The following criteria was approved:

> "Where the area director finds that a contribution can be made by the applicant he shall, before the civil certificate is issued, require that 1/3 of such contribution or such lesser or greater amount be paid provided he is of the opinion that no serious hardship or prejudice will result to the applicant or his cause."

LIMITATION OF CERTIFICATES

The following is an extract from the report to Convocation dated May 12th, 1971:

> "Your Committee considered correspondence from Mrs. Gretta J. Grant, Area Director, Middlesex County, with respect to a submission by the Trustees of the Middlesex Law Association wherein the Law Association recommended lifting the restriction of 75 criminal legal aid certificates per fiscal year.

The Committee also considered correspondence on the same subject from H. S. Taggart, Q.C., President, Middlesex Law Association to John Bassett, Chairman of the Steering Committee of the Law Society Council.

After a full discussion of this matter your Committee instructed the Director to write the Area Directors requesting their confidential opinion on whether the restriction of 75 criminal legal aid certificates per fiscal year should be lifted.

It was felt that a sub-committee of the Legal Aid Committee should be appointed to review the limitation taking into consideration the Area Directors' comments."

The Director canvassed the Area Directors requesting their opinion on whether or not the restriction of 75 criminal legal aid certificates per fiscal year should be lifted. The following indicates the recommendations:

Recommended Lifting	Recommended Not Lifting	No definite commitment or not applicable
20	12	13

In the fiscal year 1969-1970 a total of 18 exemptions were granted made up of the following areas:

York	—	9
Wentworth	—	3
Middlesex	—	3
Lambton	—	1
Essex	—	1
Brant	—	1
		18

In the fiscal year 1970-1971 a total of 36 exemptions were granted made up of the following areas:

York	—	19
Middlesex	—	4
Leeds & Grenville	—	1
Essex	—	2
Wentworth	—	4
Lambton	—	1
Brant	—	1
Algoma	—	1
Thunder Bay	—	1
Kent	—	1
Parry Sound	—	1
		36

After reviewing this information your Committee appointed a Sub-Committee consisting of Messrs. Bowlby, Lochead and Wallace to study the matter and report back to the Committee: The Sub-Committee to appoint its own Chairman.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Northumberland & Durham

J. Kingsley Van Nest, Solicitor, Bowmanville
George Blythe, Bylaw Enforcement Officer of the Corporation of Colborne

Essex

Professor J. Craig Paterson, University of Windsor Law School

Algoma

Ray Stortini, Solicitor, Sault Ste. Marie

Ontario

John M. Greer, Q.C., Oshawa
Norman H. Edmondson, Solicitor, Oshawa
Thomas H. Greer, Solicitor, Oshawa
Russell J. Murphy, Solicitor, Oshawa
Nigel Schilling, Solicitor, Whitby
Howard S. Swartz, Solicitor, Oshawa

The following resignations were noted:
Simcoe
H. D. Howitt
Northumberland & Durham
Harold D. Bigelow
Clive T. Thompson, Q.C.

Ontario

W. Bruce Affleck, Q.C.
William G. Lawson, Q.C.
Charles C. McGibbon, Q.C.

THE REPORT WAS ADOPTED.

Mr. Callon, Chairman, presented the Report of the Legal Aid Committee dated the 8th September 1971:

Your Committee met on Wednesday, the 8th day of September, 1971 the following members being present: Mr. Thomas Callon (Chairman) and Messrs. Beament, Cooper, Fairbairn, FitzGerald, Killeen, Levinter, MacKinnon, O'Driscoll, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of July, 1971.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 4 months ended July 31st, 1971.

(b) The Controller submitted a Statement of Solicitors' Accounts for services rendered the Legal Aid Plan.

(c) *Estimate of Costs for the Fiscal year Ending March 31, 1973*

The Controller submitted an estimate of costs for the fiscal year ending March 31, 1973.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of August, 1971.

(b) The Legal Accounts Officer submitted a report for the month of August, 1971 with respect to reviews and appeals.

LAW STUDENTS—Federally Funded Student Programmes

(a) *Parkdale Community Legal Services Project*

(i) The Committee considered correspondence from Dean Gerald LeDain, Osgoode Hall Law School, York University. Dean LeDain wrote the Chairman enclosing a plan of operation for the Parkdale Community Legal Services Project. He advised the Chairman that this is an educational project for which students have enrolled for the coming academic year. He further stated "I shall be very pleased to meet with you and members of the Committee at a time of mutual convenience in September to discuss the details."

The plan of operation reads as follows:

1. The name of the offices is to be 'Parkdale Community Legal Services'. The sign in the window will be in accordance with the requirements of the Professional Conduct Handbook. The hours of operation of the office, once they have been determined, will be indicated on the sign. There will also be a reference in

the window to the Osgoode Hall Law School of York University.

2. The office will conform, in respect of advertising, to the Rulings contained in the Professional Conduct Handbook. It is expected that the office will become known to members of the community through the normal channels of communication in the community.
3. The office would welcome referrals from the local Area Director of the Legal Aid Programme, such as are presently made to the Student Legal Aid Society.
4. The services to be performed by the Director, the Assistant Director, when appointed, and the students in the programme are those which they are respectively permitted by law to perform.
5. As a basic rule, the office will only represent persons who cannot obtain legal services from any other source. The office will not undertake matters for which a Legal Aid Certificate is issued and for which a person is able to retain a lawyer. Where a Certificate has been issued and the person has been unable to retain a lawyer, the Director may accept the case but will act gratuitously and will not seek reimbursement from Legal Aid. If a person is refused Legal Aid and is unable to retain a lawyer, it will be within the discretion of the Director whether to undertake the case. The office will not act for paying clients. Any person who can obtain legal aid or is financially capable of retaining a solicitor will be referred to the proper source of legal services.
6. If the case is one eligible for Legal Aid, the office will advise the individuals concerned of the availability of Legal Aid.
7. In all matters where a law student is to represent and appear on behalf of a person, such person shall be advised that he is to be represented by a student and not by a lawyer and his written consent to this effect shall be obtained.
8. If the Director undertakes to represent a person, the normal solicitor-client relationship will prevail, and the client will be told that no fee will be required. A written retainer will be obtained. The client will be required to pay for disbursements.

Your Committee, after a thorough review of the correspondence, wishes to convey to Convocation its concern with respect to the operation of this project. It was their unanimous opinion that all programmes for the provision of legal services and assistance in Ontario be subject to the supervision and coordination of the Law Society of Upper Canada to prevent erosion of the Plan by a competing plan or group of plans.

Your Committee moved that the correspondence be referred to the Unauthorized Practice Committee, the Professional Conduct Committee and the Legal Education Committee. The Committee also requested the Director to arrange a meeting with Dean LeDain so that his correspondence could be discussed with the Committee the week following Convocation.

(b) The Committee reviewed a list setting out the federally funded student legal aid summer programmes in the Province of Ontario.

The Director was instructed to communicate with the Federal Government to obtain more information concerning the following projects:

No. 300-433A	*Summer Student Legal Aid*, Toronto, $6,000 — to provide free legal aid to those requireing it who do not qualify under Ontario Legal Aid.
No. 300-1464	*Legal Opportunities Research* $7,470 — 5 people — to conduct a study of the availability of free legal advice in Ontario with emphasis on programmes being funded by Opportunities for Youth and including documentation of the need for federal legal assistance, legal disadvantage of low income communities and effectiveness of Ontario Legal Aid Plan, Toronto.
No. 300-111	*Student Legal Aid Society*, — $21,000 — 17 people — Free legal aid to those who do not qualify under the Ontario Legal Aid Plan.

(c) The University of Western Ontario — Law Students Community Services Brief

(i) The Committee considered a brief from law students at the University of Western Ontario entitled "Law Students Community Services Brief." The brief has been forwarded to several foundations as well as the Ontario and Federal Governments with a request for financial grants. The students have requested the Director of Legal Aid to comment on the brief and express support by writing to the Federal and Provincial Ministers.

Your Committee recommended that a meeting be held with the Dean of the Faculty of Law, University of Western Ontario, after they have had the benefit of reports from the Unauthorized Practice Committee, the Professional Conduct Committee and the Legal Education Committee on the subject of Dean LeDain's submission with respect to the "Parkdale Community Legal Services Project".

(ii) The Treasurer of the Law Society received from the Minister of Justice and Attorney General a copy of a letter he had sent to the Coordinates of the Law Students Community Services, University of Western Ontario.

After reviewing the correspondence the Committee passed the following motion:

> "We have considered the Attorney General's letter and all the implications and have resolved that all of this activity must be brought within the purview of the Legal Aid Plan because in the interest of the public there should be no fragmentation of legal aid services."

(d) Middlesex County — Student Legal Aid

Your Committee reviewed a memorandum from Mrs. A. C. R. Rosenthal, Assistant Provincial Director, to the Director, commenting on the Middlesex Law Association's concern with respect to law student activities in Family Court.

(e) The University of Windsor

On August 18th last, the Essex County Area Committee instructed the Area Director to discontinue all student referrals to the Student Legal Aid Society, Faculty of Law, University of Windsor, until the Area Committee has held a meeting to discuss student legal aid participation in Essex County. Members of the Area Committee expressed concern with the type of services which students were rendering and noting that the Federal Government had approved $7,550 for student legal aid in Windsor to provide a student legal aid service.

The Director of the Student Legal Aid, Faculty of Law, University of Windsor, wrote the Director commenting on the steps taken by the Area Director.

The Legal Aid Committee instructed the Director to communicate with the Area Director pointing out that the Essex County Area Committee has no authority to prohibit the Area Director from referring legal aid cases to approved Student Legal Aid Societies. The operation of Student Legal Aid

Societies comes under the jurisdiction of the Legal Aid Committee.

(f) Re: Legal Aid Clinic — Ottawa (Carleton County)

The Director received a news item from the Ottawa Journal dated August 23, 1971 setting out that Leonard Shore, Solicitor, had volunteered with three other Ottawa solicitors to give free legal advice to working people on low salaries in the Neighbourhood Improvement Committee's Legal Aid Clinic. Law students from the University of Ottawa also volunteered.

At the same time the Director received correspondence from James B. Chadwick, Area Director, Carleton County, expressing concern at Leonard Shore's action and the news item from the Ottawa Journal.

Mr. Chadwick had been in the process of making arrangements to place a duty counsel at the Neighbourhood Improvement Committee's Legal Aid Clinic and was conducting negotiations with the social workers and Leonard Shore, Solicitor.

After reviewing the material your Committee was of the opinion that the Area Director should be requested to negotiate with Leonard Shore in an effort to put this project under the Legal Aid Plan since it appears to your Committee that this situation has resulted from a lack of communication between the Area Director and the Solicitor.

STUDENT LEGAL AID SOCIETIES

Your Committee considered an application submitted by Dean Thomas G. Feeney, Faculty of Law, University of Ottawa, for the establishment of a Student Legal Aid Society pursuant to Regulation 74 of Ontario Regulation 257/69.

Your Committee approved the application subject to a letter being forwarded by L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies, to Dean Feeney requesting more detail on the internal organization of the student programme.

FUNDING OF APPROVED STUDENT LEGAL AID SOCIETIES

At the June, 1971 meeting the Committee considered correspondence between L. S. Fairbairn, Chairman of the Sub-Committee on Student Legal Aid Societies and Dean Daniel A. Soberman, Queen's University, with respect to funding of Student Legal Aid Societies.

The Committee was in agreement with Mr. Fairbairn that the funding of Student Legal Aid Societies cannot be settled until the Plan determines the probable extent of its activity in the summary advice area.

Mr. Fairbairn suggested that the funding of Student Legal Aid Societies should be placed on the September, 1971 agenda in order that the principles might be discussed by the Committee.

After reviewing the matter it was decided to place it on the forth-coming agenda for the meeting of the Student Legal Aid Societies to be held in October, 1971.

It was also recommended by your Committee that the estimate of costs for the fiscal year ending March 31st, 1973 include an amount of $92,000 to be used for assistance to Student Legal Aid Societies.

APPROVED STUDENT LEGAL AID SOCIETY — The University of Toronto

The Committee considered a submission from the Student Legal Aid Society, University of Toronto, with respect to the dissemination of information to the community as regards the services offered by the Student Legal Aid Society.

The Director was instructed to ask the Professional Conduct Committee for their comments.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFF

Convocation at its meeting on June 18th, 1971 approved the report of the Sub-Committee Appointed to Review the Legal Aid Tariff but referred back to the Legal Aid Committee for reconsideration that part of the report pertaining to fees for uncontested divorce actions.

APPOINTMENT OF AREA DIRECTOR NORTHUMBERLAND AND DURHAM COUNTIES

Hugh E. Fleming, Q.C., Area Director for the United Counties of Northumberland and Durham, died in March 1971.

On the recommendation of the Northumberland and Durham Law Association, your Committee approved the appointment of John P. Funnell, Solicitor, Cobourg, as Area Director for the Counties of Northumberland and Durham.

AREA DIRECTOR-BRANT COUNTY

Kenneth Lefebvre, Area Director, Brant County, informed the Director that he has been nominated as a Liberal candidate for the County of Brant in the forthcoming provincial election. Mr. Lefebvre enquired whether he is disqualified under Section 8 of the Legislative Assembly Act in view of the fact that he is a part-time Legal Aid Area Director.

Your Committee was of the opinion that there is no objection to Mr. Lefebvre accepting such nomination since he is, in fact, an employee of The Law Society of Upper Canada and would not come under the jurisdiction of the Legislative Assembly Act.

Convocation adjourned for luncheon at 12:30 p.m.

Convocation resumed at 2:30 p.m., a quorum being present.

LEGAL AID COMMITTEE—(Continued)

Moved by Mr. Cass, seconded by Mr. Bowlby, that the tariff for undefended divorces remain at $500.

The motion was lost.

THE REPORT WAS ADOPTED.

Moved by Mr. Callon, seconded by Mr. O'Brien, that the Treasurer, the Chairman of the Finance Committee, and the Chairman of the Legal Aid Committee, be authorized to employ a member of the Society with knowledge and experience of legal aid programmes, to review and coordinate the effort of all concerned to extend legal services to all those who require it, with particular emphasis on the scope of the Legal Aid Plan and its relationship to other proposed programmes, at a salary to be agreed upon. *Carried.*

BUILDING COMMITTEE—Mr. Gray

Your Committee met on Wednesday, the 7th July 1971, the following members being present: Mr. Robins (Chairman), and Messrs. Gray, Sheard and R. F. Wilson.

Mr. Arthur Heeney was also present by invitation.

1. Correspondence was before the Committee respecting the proposal by the Department of Public Works to clean and restore the east facade of Osgoode Hall. The Chairman referred specifically to letters from the Honourable Mr. Justice Arnup and Mr. Eric Arthur.

Your Committee recommends that the Treasurer reply that the Society favours cooperating in the proposed improvements to the appearance of the facade in accordance with Professor Arthur's recommendations, Mr. Heeney to consult with Messrs. Page and Steele with respect to the mechanics and cost so that a recommendation can be made to the Finance Committee and to Convocation.

2. Correspondence and plans were before the Committee respecting the proposal by the Department of Public Works to build a new roadway from University Avenue over the present driveway to the centre of the building where a traffic circle is proposed which would require a considerable part of the Society's front lawn.

Your Committee recommends that Mr. Heeney advise Mr. Pongor that the Society does not object to the finishing of the whole present driveway in granite setts, but does not agree to any circular addition to the driveway which involves an encroachment on the Society's property.

3. For the Committee's information, correspondence was before it between Mr. Heeney and Page & Steele respecting the proposed new elevator in the West Wing. Mr. Heeney is reviewing certain items of cost with the government's architects to be sure they are warranted.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON PLANNING — *Mr. Fennell*

Convocation, in June of this year, had before it a letter from the Education Research Foundation of Middlesex requesting the Society's support in the Foundation's approach to the Provincial Government for financial assistance. Convocation at that time referred the matter to this Committee for consideration.

Your Committee consisting of Mr. Fennell, Chairman, Messrs. Carley, Henderson, Krever and Steele, and Miss McCormick, met on Thursday, 9th September 1971 with Mr. G. T. Mitches and Mr. W. D. Sutton, Directors of the Education Research Foundation of Middlesex. Mr. Mitches is a solicitor and member of the Society. Mr. Sutton is an educator.

Your Committee had before it copies of the following material: the Letters Patent incorporating Education Research Foundation of Middlesex; the By-laws of the Foundation; and the Directors' Register of the Foundation.

The Foundation was created a Corporation without share capital by Letters Patent dated April 21st, 1970 and is registered as a charitable non-profit organization under Sec. 62 of the Income Tax Act.

In addition to Messrs. Mitches and Sutton the following are also Directors of the Foundation: Mr. Philip T. Mitches, Solicitor; Mr. A. E. Jeffrey, Solicitor; Mr. J. N. Herapath, Q.C., Solicitor; and Professor K. G. Langland of the Department of Computer Science of the University of Western Ontario.

Your Committee is advised that all funds to finance the Foundation have come largely from the Mitches family and to a lesser extent from Mr. Sutton and Mr. Jeffrey. Your Committee is advised that no other person is financially interested in the Foundation either directly or indirectly.

To date, the Foundation has placed on computer tape all Ontario Education Statutes and Regulations and has developed systems of retrieval. Your Committee is advised that the Foundation is now ready to market its product but needs outside financial assistance to do this and continue its research. The Foundation intends approaching the Ontario Government for financial assistance and requests the Society's support in this application.

Your Committee feels that it is not competent to determine the technical and economical feasibility of the Foundation's project or any other project, or to choose between projects or co-ordinate them. However, your Committee is of the opinion that a proper computerization of the law is essential and will become a reality in the reasonably foreseeable future and for this reason your Committee recommends that the Society support any suitable project aimed at the computerization of law. Your Committee feels that the Society should offer its co-operation to these projects but re-affirm the principles adopted by Convocation in March 1971, and particularly that this Society is not in a position to support any programs financially.

Your Committee recommends that the Treasurer, or one or more Benchers appointed by him, accompany representatives of the Foundation in its application to the Ontario Government for financial assistance.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON INCORPORATION OF LAW PRACTICES — *Mr. Fennell*

Your Committee met on Thursday, the 9th of September 1971, the following members being present: Mr. Fennell, Chairman, Messrs. Henderson and Thom.

In Sepember 1969, Convocation adopted our Committee's recommendation that when The Business Corporations Act, 1968, or a similar statute is enacted, legislation be sought to permit the practice of law by a professional corporation (the shareholders of which would be restricted to members of the Society) under conditions that ensure the high standards of the profession.

In January 1970, your Committee gave further consideration to this recommendation in light of the White Paper on Taxation and decided at that time that the matter should wait until the changes in taxation became certain.

Since the January 1970 meeting, a number of letters have been received from interested persons particularly from Mr. Warren S. Green and Mr. G. J. Morris, Solicitors, who have expressed a strong view in favour of permitting the profession to carry on the practice of law in the corporate form. Your Committee wishes to inform Convocation and members of the profession that it is continuing its study of the tax implications that would flow from carrying on the practice of law in the corporate form. However, your Committee deems it unwise to make a final report in this matter until the anticipated tax changes have been finally passed into law.

Your Committee recommends, in view of the changes in Convocation since this Special Committee was appointed, that the present Committee be enlarged in number.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA — *Mr. Gray*

Your Committee met on Thursday, the 9th of September 1971, the following members being present: Mr. Cassels, Chairman, Messrs. Beament, Gray, Shapiro and Honsberger.

Estimates 1971-72

Estimates for the year 1971-72 were approved in the amount of $4,500.

Osgoode Letters

Correspondence from a London Bookseller was before your Committee offering for sale at a cost of £35 a series of ten letters addressed to William Osgoode during the French Revolutionary Wars.

Your Committee recommends that these letters be purchased.

Display Cabinets

The ten display cabinets which the Society purchased from the Royal Ontario Museum have now been delivered to Osgoode

Hall. Three of the cabinets have been placed in the outer room of the Lawyers' Lounge and a start will be made shortly at displaying some of the more interesting items in the Committee's collection. The remaining cabinets have been stored until suitable locations for them can be found.

Your Committee expects that it will be some months before its permanent rooms on the third floor above the Benchers' quarters become available.

PRESENTATIONS

Mr. Huron R. Davidson, Q.C., has presented various documents relating to Sir William Ralph Meredith, including his Certificate of Admission to the Law Society as a Student of the Laws, and his Diploma upon receiving the degree of Barrister-at-law.

Mr. Davidson has also presented various documents relating to The Honourable Richard Martin Meredith including his Commission of Appointment as a Judge of the Court of Appeal of Ontario and Letters Patent granting to him an annuity upon his retirement as Chief Justice of the Common Pleas Division at the age of 83 years.

Mr. W. T. Robb has presented Letters of Administration relating to the estate of his grandfather, Walter T. Robb, dated 3rd June 1869.

Mr. Rankin Nesbitt has presented a total of 42 framed pictures, photographs and sketches of various judges and lawyers from Canada, Great Britain and the United States, including a sketch of The Honourable Sir G. Jessel, Master of the Rolls, and photographs of Sir Glenholme Falconbridge, Chief Justice of the King's Bench for Ontario, and of The Right Honourable F. A. Anglin, Chief Justice of Canada.

THE REPORT WAS ADOPTED.

LAW SOCIETY COUNCIL

The Treasurer presented the Report of the Law Society Council:

LAW SOCIETY COUNCIL

Report to the Lieutenant-Governor-in-Council
and to Convocation

The Law Society Council met at Osgoode Hall on June 23rd, 1971, beginning at 10 a.m. The following were present:

John Bassett, Thomas G. Bastedo, G. E. Beament, J. D. Bell, D. A. Blenkarn, H. J. Bradley, P. A. Burns, P. J. Burns, George A. Calder, T. P. Callon, R. W. Cass, W. F. B. Church, E. Paul Coath, P. Crouch, W. B. Cunningham, F. J. L. Evans, Robert Faulkner, S. E. Fennell, G. D. Finlayson, J. R. Finley, J. P. Giffen, E. A. Goodman, W. G. Gray, H. E. Harris, Professor D. C. Hefferon, G. F. Henderson, J. Hildebrand, J. M. Hodgson, John Honsberger, Professor H. A. Hubbard, David Jack, Kenneth Jarvis, Secretary, J. F. Kelleher, J. S. Kirkland, Douglas V. Latimer, G. H. Lochead, H. D. Logan, James MacDonald, R. M. MacFarlane, B. J. MacKinnon, Miss L. Dorothy Martin, Frank McGuire, Andrew H. McTavish, Professor Alan W. Mewett, H. C. Moore, M. J. Moriarity, R. E. Mountain, Charles Munro, S. H. Murphy, Wallace Murray, R. J. Myers, J. G. J. O'Driscoll, Patrick O'Keefe, Walter H. Prince, John A. Pringle, Sydney L. Robins, Henri Saint Jacques, Karl M. Sepkowski, Professor Dan Soberman, G. A. Stiles, Norman Stoner, R. A. Stradiotto, Nathan Strauss, Peter R. Sturdy, H. S. Taggart, Professor W. S. Tarnopolsky, Benjamin Thompson, R. Thompson, C. Van Laughton, Gary R. Vedova, Wm. E. Ward, Theo. Wolder.

The Secretary told the meeting that Mr. G. Arthur Martin, Q.C., had ceased to be Treasurer of the Law Society on the 21st of May, 1971, and thereupon ceased to be a Member of the Law Society Council so that the first item on the agenda would be the election of a new Chairman of the Council. Mr. John Bassett was elected Chairman.

With the consent of the meeting the fourth item on the agenda was considered first.

Agenda Item 4 — Procedure

It was moved by Mr. Hodgson, seconded by Mr. Stradiotto, that the Council annually appoint a Vice-Chairman who, with the Chairman and the Secretary, will act as an Executive Committee to implement the decisions of the Council.

Carried

It was moved by Mr. Hodgson, seconded by Mr. Callon that Mr. Kelleher be appointed Vice-Chairman. *Carried*

The meeting considered procedures recommended by the Steering Committee and approved the following:

1. That the Steering Committee be appointed for one year at the first Council meeting in any year;
2. That the Steering Committee's duties include:
   (a) Drafting agenda for Council meetings;

(b) Asking Members of Council to suggest additional agenda topics.

3. That the report required to be made under Section 26(3) of the Law Society Act, 1970 be drafted by the Executive Committee and approved by the Committee and submitted to the proper authorities.

4. That the proceedings of the Council and of the Steering Committee be confidential except as they may be published through the Council's report under Section 26(3) and except by Members reporting to those they represent or otherwise as specifically directed by the Council.

5. That the Secretary write to each law school in Ontario, except a law school which is already represented, to invite them to send a representative to Council meetings to act as observers without the right to vote.

Agenda Item 1 — Public Relations

Gordon Henderson, Q.C., Chairman of the Law Society's Public Relations Committee, having emphasized that the most effective Public Relations for the individual lawyer is a job well done, went on to describe what the Law Society is doing to inform the public of such matters as Legal Aid, the Lawyer Referral System, the Errors and Omissions Insurance programme, the Continuing Education courses for members of the Bar and generally of the changing role of the lawyer in today's society. He described the arrangements which have been made for the Law Society and the Ontario Branch of the Canadian Bar Association to share in a new programme designed to make the public aware of the work of the Society and the Bar Association on a professional and continuous basis.

It was moved by Mr. Karl Sepkowski, seconded by Mr. Taggart that the matter of Public Relations of the Law Society Council be referred to the Executive Committee to form a liaison with the Public Relations Committee of the Law Society. *Carried*

It was moved by Mr. Hodgson and seconded that the Steering Committee retain Mr. Henderson's report and a summary of the discussion to supply to new members of the Council as they are appointed. *Carried*

Agenda Item 2 — Legal Education

B. J. MacKinnon, Q.C., Chairman of the Law Society's Special Committee on Legal Education, reported that the Special Committee had been established primarily because it was felt that the time required to qualify for Call to the Bar was too long. Its terms of reference are broad and its area of concern and study, without being restrictive, is the length and content of the university programmes and of the Bar Admission Course, both articling and teaching portions, and all matters relevant thereto. It is to make recommendations to Convocation. Its membership of 21 includes two Judges of the Supreme Court, Benchers, representatives of the law schools and of the students, both in the Bar Admission Course and in the LL.B. courses as well as the present and former Directors of the Bar Admission Course, a representative of the Canadian Bar Association and of the Ontario Institute for Studies and Education.

It has held four general meetings and full-day hearings at the Universities of Ottawa, Western Ontario, Queen's, York and Toronto to receive representations and submissions by both faculty and students. An evening meeting in Osgoode Hall was held for the presentation of briefs and views by members of the profession generally and written briefs have been sought from a wide variety of representative sources including business, education and community organizations. Considerable information has been collected, including a determination of the existing capacity of law schools, the educational requirements in other Provinces and the use of joint degrees. Considerable literature on Legal Education has been collected and reviewed and contact has been established with the Deans of Arts and Sciences in Ontario Universities. There has also been a survey of the availability and location of positions in law offices for articling students.

Mr. MacKinnon summarized the various suggestions which have been received respecting the four major areas of pre-law training, the LL.B. programme, articling and the teaching portion of the Bar Admission Course, and indicated the further work the Committee will need to accomplish before making its recommendations. He reported that financial assistance had been sought through the Department of University Affairs which first seemed to be assured but which was later refused.

After a full discussion it was moved by Mr. O'Keefe, seconded by Mr. McTavish, that the Council urge the Department of University Affairs to allocate $50,000 to the Special Committee on Legal Education of the Law Society.

The meeting adjourned at 12:30 for luncheon and resumed at 2 o'clock.

Agenda Item 3 — Ontario Law Reform Commission

Stands

Agenda Item 5 — New Business

After discussion the Members of the Council were asked to write to the Secretary their opinions on the matter of the structure of the Council for consideration by the Steering Committee and report to the next meeting of the Council.

The meeting adjourned at 3:15 p.m.

All of which is respectfully submitted.

Dated this 23rd day of June, 1971.

"JOHN BASSETT"
Chairman

THE REPORT WAS RECEIVED.

MOTION

Moved by Mr. O'Driscoll, seconded by Mr. Bowlby, that the Treasurer appoint a Committee of Convocation to inquire into and report back to Convocation with recommendations as to

(a) the method and procedure re election of Treasurer; and

(b) whether or not the Treasurer should be remunerated, and, if so, the amount of the annual honorarium.

Carried

The Treasurer appointed Messrs. Howland (Chairman), Bowlby, Goodman, Martin and Morden.

APPLICATIONS FOR RE-ADMISSION

Moved by Mr. Thom, seconded by Mr. Gray, that the applications for re-admission by Roger Francis Xavier Marentette and Harold Wallman Shuttleworth be referred to the Admissions Committee for investigation and report. *Carried*

PRESENTATION

Mr. George C. MacDonald, President of McLeod, Young, Weir & Company Limited, has presented to the Law Society a portrait of his great-great-grandfather, the Honourable Livius Peters Sherwood.

Convocation accepts the presentation with thanks.

The Treasurer and Benchers entertained as their special guests at luncheon the Honourable Sir Robert Megarry, Judge of the High Court of Justice, London, England, and Mr. John Bassett, Chairman and Publisher of The Telegram, and Chairman of the Law Society Council.

CONVOCATION THEN ROSE.

Read in Convocation and confirmed this 15th day of October, 1971.

"Sydney L. Robins"
—Treasurer

MINUTES OF CONVOCATION

Friday, 15th October 1971
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Beament, Borins, Bowlby, Callon, Cartwright, Cass, Cassels, Clement, Cooper, Cory, Dubin, Evans, Fennell, FitzGerald, Goodman, Grange, Gray, H. E. Harris, Henderson, Krever, Lochead, Maloney, Morden, MacKinnon, McLaughlin, O'Brien, O'Driscoll, Pallett, Pattillo, Seymour, Shapiro, Sheard, Slemin, Strauss, Thom, Trepanier, Wallace and White.

The Minutes of Convocation of the 17th September, 1971, were read and confirmed.

DISCIPLINE COMMITTEE

Mr. Thom, Chairman, presented the Decision of the Discipline Committee:

RE: FRANCIS L. O'DONNELL

The Reporter was sworn.

The Solicitor attended with Mr. W. J. Smith, Q.C., his Counsel.

Counsel waived reading of the complete Decision of the Discipline Committee.

The Secretary read the Notice of Complaint and conclusions contained in the Committee's Decision.

The Decision of the Discipline Committee was that the Solicitor was guilty of professional misconduct in that he failed to maintain office facilities in a manner sufficient for the purpose of maintaining communication with his clients and conducting his practice on a professional basis; failed in particular matters to proceed in accordance with his clients' instructions; in another matter failed to give his clients a written accounting of monies paid by them to him in connection with their purchase of a business; and twice failed to file with the Society the required report of a public accountant respecting his professional records.

The recommendation of the Discipline Committee as to penalty was that the Solicitor's rights and privileges as a member of the Society be suspended for three months and that he be required to pay the cost of the Society's investigation of his affairs, including the cost of the hearing.

The Solicitor and his Counsel retired.

It was moved and seconded that the Decision be accepted.

It was also moved and seconded that the Solicitor be suspended for three months and required to pay the expenses of the Society's investigation, which totalled $3,248.

A further motion was moved and seconded, in amendment, that the Solicitor be reprimanded in Convocation and pay the Society's expenses.

The Solicitor and his Counsel and the Reporter returned and were advised that the Discipline Committee's Decision had been accepted, and told of the motions before Convocation respecting penalty.

Counsel made submissions, and offered the Solicitor's undertaking that in the event the recommended sanction stands, he will endeavour on the termination thereof to associate himself with one or more solicitors in the practice of law.

Mr. W. J. Smith, Q.C., Counsel, was obliged to leave the meeting at this time to attend the Court of Appeal.

The Solicitor retired.

It was moved and seconded that upon undertakings satisfactory to the Chairman of the Discipline Committee being given, the matter be adjourned to the November Convocation to give the Solicitor an opportunity to make arrangements to associate with a firm if allowed to do so. The undertakings were to include that the Solicitor would accept no new matters in the meantime, and that he bring before Convocation acceptable evidence of any employment arrangement.

The Solicitor returned and was advised of the motion.

The Solicitor retired.

The motion was carried.

The Solicitor returned and undertook to enter into undertakings that he will take on no new matters and bring satisfactory evidence to Convocation of the employment arrangements he can make.

The matter was adjourned to the regular November Convocation.

The Treasurer reported to Convocation on the submissions made to the University Affairs Committee for a grant in respect of the Bar Admission Course.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE

The Treasurer reported to Convocation respecting the liability insurance plan, and appointed a Special Committee of Messrs. Gray (Chairman), Henderson, Lochead, O'Brien and Pattillo respecting liability insurance.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 7th day of October at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman, and Messrs. Borins, Callon, Carley, Cass, Cory, Finlayson, Grange, Gray, Morden, Thom and White.

APPOINTMENTS TO FACULTY OF CIVIL PROCEDURE I

The Director recommends the following appointments to the Faculty of this Section for a one year term:

To Instructors: D. W. Goudie, Q.C., P. J. Green, Peter Webb.

To Stand-bys: H. M. A. Brodkin, C. M. Finlay, P. G. Jarvis, A. J. Lenczner, T. C. Wright. *Approved*

REPORT OF ADVISORY COMMITTEE ON EXAMINATION POLICY

This Committee met pursuant to the directions given to it by your Committee on the 9th of September. A copy of its report is attached and the recommendations contained in it are hereby submitted for approval.

Your Committee recommends that the Board of Review would have a discretion to disregard a failure in any subject and would have the power to award the student pass standing in the whole of the course; this power might be exercised notwithstanding the fact that the student may have come within the failure class. The Board of Review would therefore have two functions:

(1) To review the raw scores after each examination and make recommendations with respect to the pass mark; and

(2) Meet at the conclusion of the Course to consider whether any of the students should be given pass

> standing despite the fact that more than the number of subjects permitted by the policy have been failed or the required average has not been obtained.

It is our opinion that in the first kind of review no adjustments to marks should be made according to a standard or formula. This is because any such view would be based on predictions that out of a grouping of a particular size so many students must fail. We are not prepared to say that this kind of statistical approach is correct. Whether or not a student fails must be determined according to all of the circumstances, and in particular the quality of the examination. It is felt that the Board should have a discretion to adjust the pass mark, but that such power should be without benefit of a set standard or formula.

HONORARIA

Your Committee approves the recommendations of the Director respecting payment of honoraria for the participants in the Income Tax and Legal Secretaries programmes of the Continuing Education series.

POLICY OF CONTINUING EDUCATION PROGRAMMES

Over the last year our Continuing Education Programmes have been developed for the most part out of the courses given to our students. In many cases the same format of mixing lectures and seminar presentations has been used. It is our feeling that whenever possible this kind of method should be used instead of the straight lecture presentation. The use of the latter method has advantages in preparing a book, but does not lend itself to the best learning at the time. The question of policy raised by this format and our decision to develop our own publishing raises the question of whether we should continue the well-known Special Lectures Series. We respectfully suggest that your Committee give us guidance on whether the Special Lectures should be continued in the present form, and if so, whether publication should be handled on the same arrangements.

Stand to first place on November agenda.

LADY READING CLUB PRIZE

A letter is before the Committee from the Scholarship Chairman of the Lady Reading Club offering a prize of $100 to be awarded to the woman graduating from the Bar Admission Course with the highest standing. The letter does not state whether this is to be an annual prize nor give further details.

This matter is also on the agenda of the Finance Committee.

Your Committee recommends that this prize be accepted.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 7th day of October, 1971, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Callon, Cartwright, Grange, MacKinnon and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS—*Special*

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

SIMON R. FODDEN: Special — Faculty of Law, Osgoode Hall Law School, Fee $200.

PETER D. MADDAUGH: Special — Faculty of Law, Osgoode Hall Law School. Fee $200.

HUDSON W. JANISCH: Special — Faculty of Law, University of Western Ontario. Fee $200. *Approved*

Transfer from another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411 now applies for call to the Bar and to be granted a Certificate of Fitness:

Donald Lockett Whitman — Saskatchewan. *Approved*

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Thirty-five candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, have applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1st, 1971, under Bar Admission Regulation — Part II — No. 2.

In addition, the following candidates have applied:

Under Regulation 5 — from United Kingdom; Ireland Regulation 5(1)

660. CHANNER, Arthur Henry — England
661. WOOD, John Robert — England

Under Bar Admission Regulations — Part II, No. 2; 1970

528. PUKALA, Armas — B.A. Pennsylvania 1967; LL.B. Toronto 1970.

Under Regulation 5 — from United Kingdom; 1970

529. CARBERRY, Jean Paterson — Scotland

The following items are before the Committee for discussion:

(1) *Admission of law teachers — Regulation 9*

Your Committee recommends that this be put on the agenda of the meeting with the Deans of the approved law schools in Ontario and thereafter on an agenda of this Committee.

(2) *Administration of barrister's oath — Rules 51 and 53*

Your Committee recommends the Barrister's oath be administered by the Treasurer at the time the candidate is called to the Bar.

(3) *Uniformity of transfer requirements throughout Canada — "Canadian citizen or other British Subject"*

Your Committee recommends that the matter be referred to Mr. Howland and Mr. Borins for a study, report and recommendation to this Committee.

(4) *Admission of student members — Sections 27 and 28 and Rule 36*

Stand to November meeting.

UNITED KINGDOM SOLICITOR

Stuart George Phillips presents a current practising certificate from the Law Society in England entitling him to practise as a solicitor there. He seeks to proceed under Regulation 5(1). His application to enter the September Bar Admission Course was given conditional acceptance subject to the approval of the Committee.

Your Committee recommends that this stand for proof that he satisfies 5(1) (a) (ii).

COMMONWEALTH TRANSFERS

An application for transfer to practice in Ontario from a Barrister from Ceylon was dealt with, and your Committee recommended he be advised that he does not comply with Regulation 7, and that he may appear before the Committee.

Applications were approved under Regulation 7 by a lawyer from Bombay, India, and a lawyer from Ceylon.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th of February, 1960, upon payment of a fee of $200:

Joseph William Samuels, B.A. (Queen's University); LL.B. (Queen's University); LL.M. (Univ. of London, England).

John B. Yates, B.C. (McGill Univ.); LL.B. (Univ. of Toronto). *Approved*

Keith Burnett Farquhar, LL.B. (University of Wellington, New Zealand).

Mr. Farquhar's application was before the Committee at its meeting on the 9th September at which time he was asked to present more information. Mr. Farquhar now submits a letter for consideration by the Committee.

Your Committee recommends his application be refused and that he be advised he may appear before the Committee if he wishes.

PETITIONS

Your Committee considered three petitions seeking relief from the penalty for late filing of admission papers. Two were granted and one refused.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-Law was conferred upon them by the Treasurer:

Donald Lockett Whitman — Special — Saskatchewan.

Simon Ritchie Fodden — Professor, Osgoode Hall Law School.

Hudson Noel Janisch — Professor, Faculty of Law, University of Western Ontario.

Peter David Maddaugh — Professor, Osgoode Hall Law School.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Wednesday, the 29th September, 1971, the following members being present: Messrs. Gray (Chairman), Cartwright, Henderson, MacKinnon, Pallett, Steele and Trepanier.

BUDGET — 1971-1972

Your Committee considered in detail the estimates of the Standing Committees and the estimated general receipts and disbursements, approved the budget in principle, and recommended that the Annual Fees of members of the Society be increased by $10 to $120. The Comptroller was asked to recast the budget in certain respects for consideration at the next meeting of the Committee.

Your Committee met again on Thursday, the 7th October, 1971, the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Levinter, Pallett, MacKinnon, Steele and Thom.

ACCOUNTS

The Secretary reports that from the 1st day of September to the 30th day of September, 1971, accounts, including Library Accounts, properly approved to the amount of $121,291.05 have been paid. *Approved*

BUDGET, 1971-72

Further consideration was given to the estimated receipts and disbursements and with respect to the estimated receipts from the Continuing Education Programme. Mr. MacKinnon, the Comptroller and the Director of the Bar Admission Course were asked to clarify the figures appearing on the budget in relation to those prepared by the Director and submitted to the Legal Education Committee.

Further consideration of the budget was adjourned to a later meeting.

The Committee was advised that the Discipline Committee had fixed the Compensation Fund levy this year at $30, unchanged from last year.

ROLLS AND RECORDS

The Secretary reports:

Deaths

That the following former members of the Law Society have died:

James R. Colville, Q.C., Toronto	Called—18 January 1945 Deceased—9 September 1971
Michael A. O'Shea, Hastings	Called—21 January 1926 Deceased—20 September 1971
W. Bruce Hornell, Q.C., Toronto	Called—19 March 1942 Deceased—26 September 1971
Alfred N. Morine, Toronto Honorary Life Member	Called—Michaelmas 1907 Deceased—24 September 1971
Stephen J. Sexton, Q.C., Toronto	Called—21 May 1953 Deceased—26 September 1971
Norman L. LeSueur, Q.C., Sarnia (Honorary Life Member)	Called—23 May 1913 Deceased—27 September 1971

Noted

United States Citizen

That the following former member of the Law Society has ceased to be a British subject or a Canadian citizen, and his name has been removed from the rolls and records of the Society:

Kenneth Charles Breen, New York, U.S.A. — Called — 26 June 1958; Has taken out citizenship papers in the United States, and been called to the Bar of the State of New York. *Noted*

LIBRARIES AND REPORTING COMMITTEE — COUNTY LIBRARIES GRANTS

The Sudbury Law Association has sent in its Annual Return for 1970. The amount set opposite its name is the amount of the grant to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

		1971	*1970*
Sudbury	$2,000		
Less penalty for late filing	200	$1,800	$2,000

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society in 1971:

	Name	*Address*	*Date of Call*	*Normal date of Call*
36.	Beckett, Hollis Edward, Q.C.	Toronto	20 Oct. 1921	1921
37.	Burrows, Frank Xavier, Q.C.	Toronto	24 Nov. 1921	1922
38.	Carson, Cyril Frederick Harshaw, Q.C.	Toronto	24 Nov. 1921	1921
39.	Grass, Archibald Otis, Q.C.	St. Cartharines	24 Nov. 1921	1921
40.	Levinter, Isadore, Q.C.	Toronto	24 Nov. 1921	1921
41.	Mangan, Joseph Patrick, Q.C.	Oshawa	20 Oct. 1921	1921
42.	McIlraith, Ducan Alexander, Q.C.	Ottawa	20 Oct. 1921	1921
43.	Pearson, Arthur Stephen	Toronto	24 Nov. 1921	1924
44.	Polson, Alastair John, Q.C.	Hamilton	20 Oct. 1921	1924
45.	Salter, Wilbur Ralph, Q.C.	Toronto	20 Oct. 1921	1921
46.	Savignac, Francis Willard	Ottawa	20 Oct. 1921	1924
47.	Washington, Frederic Paul Laurence	Hamilton	20 Oct. 1921	1924
48.	Webb, George Stewart, Q.C.	Toronto	20 Oct. 1921	1924

Approved

AMENDMENTS OF RULE 50 — (LEGAL EDUCATION — FINES)

Convocation on the 17th September 1971 approved the recommendation of the Legal Education Committee that Rule 50 be amended, subject to the approval of the Finance Committee, as follows:

> "That Rule 50 be amended by adding the words "to a maximum of $100.00" after the word "thereafter" at the end of the first paragraph under the heading "Student Members"."

Approved

LADY READING CLUB PRIZE

A letter is before the Committee from the Scholarship Chairman of the Lady Reading Club offering a prize of $100 to be awarded to the woman graduating from the Bar Admission Course with the highest standing. The letter does not state whether this is to be an annual prize nor give further details. This matter is also on the agenda of the Legal Education Committee. *Approved*

LEGAL MEETINGS AND ENTERTAINMENTS

Pursuant to the authority given by the Finance Committee, the Secretary reports that permission has been given for the following function:

Nov. 19th — Judge A. M. Carter requests permission to reserve Convocation Hall for a reception and dinner during the Fall Seminar of the Ontario County and District Judges Association, on Friday evening, November 19th, 6:30 for 7:30. *Approved*

THE REPORT WAS ADOPTED.

ANNUAL FEES

Moved by Mr. Gray, seconded by Mr. Thom, that the Annual Fee for membership in the Society for 1971-72 be $120, and that the Compensation Fund levy be set at $30. *Carried*

CONVOCATION ADJOURNED *for luncheon at 12:30 p.m.*

The Treasurer and Benchers entertained as their special guests at luncheon Master I. H. Jacob, of the Supreme Court of the United Kingdom, Queen's Bench Division, Mr. A. F. Rodger, Q.C., Senior Master, S.C.O., and Mr. Gordon F. Beddis, Registrar, S.C.O.

CONVOCATION RESUMED at 2:15 p.m., the following members being present: The Treasurer, and Messrs. Beament, Borins, Bowlby, Cartwright, Cass, Cassels, Clement, Cooper, Cory, Evans, Fennell, FitzGerald, Grange, Gray, H. E. Harris, Krever, Lochead, MacKinnon, O'Brien, Pattillo, Shapiro, Sheard, Slemin, Thom, Trepanier, Wallace and White.

DISCIPLINE COMMITTEE—Mr. Thom

GENERAL REPORT

Your Committee met on the 7th day of October, 1971 at 10:30 o'clock in the morning, the following members being present: Mr. Stuart Thom (Chairman), Mr. Beament (Vice-Chairman), and Messrs. Bowlby, Carley, Cass, Cooper, Cory, Estey, Evans, Finlayson, Grange, Gray, MacKinnon, Morden, O'Driscoll, Pallett, Steele and Strauss.

1. COMPENSATION FUND LEVY

   Your Committee has recommended to the Finance Committee that the Compensation Fund Levy be maintained for the ensuing year at $30.00.

THE REPORT WAS ADOPTED.

Re: Compensation Fund

COMPENSATION FUND
ONE MONTH ENDING 30TH SEPTEMBER 1971

Balance on Hand, 31st August 1971		$1,330,898.74
Receipts		
Investment Income-Gov. of	$1,125.00	
Canada—Guar. Dep. Int.	1,621.89	2,746.89
Recovery — H. W. Shuttleworth		400.00
		$1,334,045.63
DISBURSEMENTS		
Decrease in market value in Securities		6,525.00
Balance on Hand, 30th September 1971		$1,327,520.63

Outstanding Claims		
Claims Outstanding 31st August, 1971		$2,097,526.45
Received during period —		
Caplan (7)	$185,000.00	
Bowman (22)	172,484.73	357,484.73
**Claims Outstanding 30th September 1971*		$2,455,011.18
Total Claims Paid to 30th September 1971		$2,419,000.19

(765 on account of 75 former solicitors)

* Blotti	—	$ 555,546.00
Bowman	—	293,261.54
Caplan	—	925,351.38
Harris	—	492,422.90
		$2,266,581.82

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 7th day of October, 1971 at 9:30 o'clock in the morning, the following members being present: Mr. A. E. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman and Messrs. Bowlby, Cartwright, Cory, Estey, FitzGerald, Grange, MacKinnon, Morden, O'Driscoll, Pallett and Strauss.

1. RULING 3 — TOUTING, ADVERTISING & SOLICITING

Your Committee considered a suggestion from a lawyer that Ruling 3, which came into effect April 16th, 1971 be forwarded to each Real Estate Board of each city in the Province for their information. Your Committee directed the Secretary to send a copy of the Ruling to the Registrar of Real Estate and Business Brokers and request that he make it known to the various Real Estate Boards in the Province.

2. MISCELLANEOUS

(a) A Toronto lawyer wrote to the Committee requesting guidance. On the closing of a transaction he was instructed to pay all accounts concerning the transaction on behalf of his client, including the account to another solicitor. On that basis, the lawyer undertook to pay the solicitor's account. Subsequently, the client countermanded his instructions and specifically advised his lawyer that the legal account was not to be paid. Your Committee directed the Secretary to write to the lawyer and advise that it is his obligation, having given the undertaking, to pay it. It would then be open to this lawyer to make his own arrangements with his client.

(b) Your Committee's attention was drawn to the practice of a firm of solicitors who, it would appear when a client was being interviewed for the first time, would present a schedule setting out the names of the solicitors in the firm and opposite each, the hourly rate for their services. Your Committee's comments were requested on this practice. The Secretary was instructed to advise that in the Committee's view this course of action did not break any Ruling of Professional Conduct.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE

—H. E. Harris

Your Committee met on Thursday, the 7th day of October, 1971, the following members being present: Messrs. Steele (Chairman), Borins, Carley, Cassels, Grange and O'Driscoll, and Miss R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Donations of statutes have been received from the following:

Ontario Department of Justice, Board of Negotiation, Toronto, Ontario.	6 volumes
York County Law Association Library, Toronto, Ontario.	23 volumes

The donors have been suitably thanked. *Noted*

STAMPING OF LAW SOCIETY BOOKS

The Chief Librarian requested your Committee's approval to purchase a stamping press for stamping books with the Law Society seal.

The stamping press would not be appropriate for stamping books on the spine but on the face only. *Approved*

BOOK LIST

A list of books which have been ordered for the Great Library was approved. *Approved*

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following association has sent in its annual return. The amount which it should receive under the Rules for 1971 and the amount received in 1970 are as follows:

Sudbury		*1971*	*1970*
Amount of Grant	$2,000		
Less 10% penalty	200	$1,800	$2,000

Approved

REPORTING

ONTARIO REPORTS: REQUEST FROM CANADA LAW BOOK

At its September 1971 meeting your Committee considered a request from Canada Law Book Limited for blanket permission to reproduce in a new series of Land Compensation Reports relevant cases reported in the Ontario Reports and not reported in the Dominion Law Reports. A recommendation was made to Convocation in September but this recommendation was referred back to your Committee for further consideration. Representatives from Canada Law Book attended your Committee's October meeting and the matter was discussed further.

Your Committee recommends that the request from Canada Law Book be granted on condition that those portions of judgments and headnotes (but not necessarily of catch words) of cases reproduced in the new series be reproduced exactly.

ONTARIO REPORTS: SUMMARIES

On the 18th day of June, 1971, Convocation adopted the recommendation of your Committee that the weekly summaries of the Judgments of the Court of Appeal be published in the weekly issues of the Ontario Reports. Convocation at that time instructed that the publication of the summaries be reviewed by your Committee at its October 1971 meeting.

Your Committee recommends that the Society continue publishing the summaries in the weekly issues of the Ontario Reports.

ONTARIO REPORTS: ADVERTISING

Representatives from Canada Law Book Limited (the publisher of the Ontario Reports) appeared before your Committee and requested that your Committee give consideration to amending a section of the publishing contract between Canada Law Book and the Society dealing with Canada Law Book's obligation to publish advertisements submitted by another law publisher.

Your Committee recommends that no change be made in the present clause dealing with advertisements.

ONTARIO REPORTS: BACKLOG

Under the present publishing contract Canada Law Book Limited will publish for the year 1972 a total of 2,400 pages (3 volumes) of Reasons for Judgment. In the event that this number is not sufficient reasonably to catch up on the backlog in publishing Reasons, Canada Law Book requested your Committee's permission to publish an additional 300 pages for the year or 100 pages per volume.

Subject to the approval of the Finance Committee, your Committee recommends that Canada Law Book Limited be authorized to publish an additional 300 pages for the year 1972.

Mr. Cartwright took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. White

Your Committee met on Monday, the 20th September, 1971 at 2:30 p.m., the following members being present: Mr. Henderson, Chairman, and Messrs. Morden and White; and again on Thursday, the 7th of October, 1971 at 11:30 a.m. with Mr. O'Driscoll, Vice-Chairman, in the Chair and Messrs. Carley and Morden.

1. Your Committee is engaged in a careful review of its role including how best it can fulfil the growing need for both acting and re-acting in relation to news stories and developments generally touching the Society and the profession.

Communications between the Society and its own members have improved over the last few years with the advent of the Law Society Gazette and the institution of meetings with representatives of the County and District Law Associations, which meetings have now merged with the Law Society Council.

One continuing difficulty has been the slowness with which news of the action taken by Convocation reaches the members of the profession and the fact that they learn of things only after they have been completed and not in time to assist Convocation by registering approval or dissent.

2. The Secretary placed before the Committee, in draft form, a "communique" designed by Mr. Tom Schell who is responsible for the design of the Gazette. The object of the communique would be to inform the profession as soon as possible after each Convocation of the highlights of Convocation's work. It would be written in informal language and not in any way intended to replace the full minutes which would continue to be published in the Ontario Reports.

Your Committee approves the design submitted and recommends that the Treasurer and Secretary draft and send out the "communique" after each Convocation and include in it not only matters upon which Convocation has come to a decision but, where appropriate, matters still under consideration so that the profession will have an opportunity to assist Convocation by expressing their reactions.

3. Your Committee also considered whether the Society should express a view of general legislation but concluded that the Society should express a view only of matters which affect the profession as a whole. It was felt, however, that it would be desirable to devise some system to assist the Treasurer in

being able to react quickly to news knowing that he had the support of the Bench.

Your Committee felt that its Public Relations consultant should be supplied with copies of any material being sent to members of the profession, including the communique and any press releases, and questioned whether an edited version of Convocation's agenda could be given him prior to Convocation.

4. Your Committee discussed the importance to the public of the maintenance of the profession's independence from direct Governmental control and considered that in the light of developments in Quebec and Manitoba a concerted programme should be developed to inform the public of the value to them of an independent legal profession. Your Committee will explore the matter with its Public Relations Consultant who has already discussed it with Mr. Batten who represents the Canadian Bar Association at the national level. The Secretary was authorized to ask Mr. Arthur Martin to write an article on the subject for publication in the Gazette.

A further suggestion was considered that the Society found a series of lectures on the legal profession somewhat along the lines of the Hamlin Lectures.

Other suggestions were that the Society assist the law schools in preparing courses on the legal profession and that the Committee investigate the production of programmes about the profession for radio and television.

THE REPORT WAS RECEIVED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fernell

Your Committee met on Thursday, the 7th day of October, 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, FitzGerald, Pallett, Trepanier, Steele and Williston.

AUSTIN CLIPPERTON

The trial of Austin Clipperton on a charge of unauthorized practice took place in Sudbury on 14th September 1971. Mr. Clipperton pleaded guilty to the charge of practising as a Solicitor contrary to Section 50 of The Law Society Act, 1970. The Society's evidence was that Mr. Clipperton had acted on a great number of real estate transactions.

CALVIN ELLIOTT

The trial of Calvin Elliott took place in North Bay on 13th September 1971, and Mr. Elliott was convicted of the charge of acting as a barrister or solicitor contrary to Section 50(1) of The Law Society Act, 1970. Mr. Elliott pleaded not guilty to this charge. The Society's evidence was that Mr. Elliott had acted on a number of real estate transactions.

Your Committee considered three separate files respecting the activities of three non-solicitors and in each case your Committee instructed that Counsel be retained for further investigation and opinion.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED.

LEGAL AID COMMITTEE—Mr. Beament

The LEGAL AID COMMITTEE met on Wednesday, the 6th day of October, 1971 the following members being present: Thomas Callon (Chairman) and Messrs. Beament, Bowlby, Cass, Cooper, Estey, Fairbairn, FitzGerald, Gray, Killeen, Levinter, Lochead, MacKinnon, Morden, O'Driscoll, Poole and Trepanier.

The Treasurer and the Chairmen of the Professional Conduct Committee, Unauthorized Practice Committee and Legal Education Committee: Messrs. Maloney, Strauss and MacKinnon, attended the meeting.

James C. MacDonald, Director of the Bar admission Course attended.

PARKDALE COMMUNITY LEGAL SERVICES PROJECT
OSGOODE HALL LAW SCHOOL, YORK UNIVERSITY

Dean Gerald LeDain, Osgoode Hall Law School, York University, and Professor Frederick Zemans, were invited to attend the October 6th meeting of the Legal Aid Committee to discuss the correspondence which was reviewed by Convocation on September 17th, 1971. Dean LeDain had set out in that correspondence a plan of operation for the Parkdale Community Legal Services Project. The implications arising from the correspondence caused both the Legal Aid Committee and Convocation concern.

The Treasurer, Chairmen of the following four Committees also attended: Legal Education, Professional Conduct, Unauthorized Practice and Public Relations. The Treasurer acted as Chairman of the said October 6th meeting.

The issues raised in the correspondence as they relate to the operation of the Parkdale Community Legal Services Project were reviewed and discussed in depth. It was agreed that Dean LeDain would discuss with his colleagues at Osgoode Hall Law School, York University, the possibility of bringing the Project within the operation of the Ontario Legal Aid Plan as part of the activities of its Legal Aid Society. The Treasurer asked the Dean to report back as soon as possible so that a further meeting could be held for the purpose of effecting all necessary detailed arrangements to this end.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of August, 1971.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 5 months ended August 31st, 1971.

(b) The Controller submitted a statement of solicitors' accounts, etc. for services rendered the Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended September, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of September, 1971.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective area:

Wentworth County
James Stowe, Hamilton, Labour Council
Dean Leslie A. Prince, McMaster University

The following resignation was also noted:

Perth County
Charles Dyke, Sheriff, Stratford

THE REPORT WAS ADOPTED.

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 30th September 1971, the following members being present: Mr. Robins (Chairman), Mr. Common, Mr. Levinter and Mr. Sheard.

Mr. Arthur Heeney, Architect, was also present by request.

CLEANING AND RESTORING FACADE OF OSGOODE HALL

At its meeting on the 7th July 1971 your Committee considered correspondence respecting the proposal by the Department of Public Works to clean and restore the facade of Osgoode Hall. The Treasurer replied to the correspondence that the Society favours cooperating in the proposed improvements to the appearance of the facade in accordance with Professor Arthur's recommendations, Mr. Heeney to consult with Messrs. Page & Steele with respect to the mechanics and cost so that a recommendation may be made to the Finance Committee and to Convocation.

Two letters from Mr. Heeney are before the Committee, one dated the 22nd September, the other dated the 23rd September. There are several alternatives, but Mr. Heeney recommends —

(a) That the Society have Area "A" (the Benchers part of the front of the building) cleaned and pointed at a cost of $13,500. The balance of the front of the Society's half of the building does not require sand cleaning and pointing, but should be washed and this could be done at a later time.

(b) That Area "B" (the back of the Society's part of the building) be cleaned only, at a cost of $7,920.

Your Committee approves the recommendation of Mr. Heeney as set out in paragraph (a); but recommends that Mr. Heeney's recommendation as set out in paragraph (b) stand for further information from him.

DRIVEWAY

At its meeting on the 7th July 1971 your Committee considered a proposal by the Department of Public Works to build a roadway from University Avenue over the present driveway to the centre of the building where a traffic circle would be constructed occupying a considerable portion of the Society's front lawn. Mr. Heeney was instructed to advise Mr. Pongor that the Society does not object to the finishing of the whole present driveway in granite setts, but does not agree to any circular addition to the driveway which envolves an encroachment on the Society's property.

Mr. Heeney has written to the Society on September 14th enclosing a blue print of a revised arrangement showing the present drive on the Province's property finished in granite setts and showing no encroachment on the Society's property.

Mr. Heeney recommends, subject to the cost being approved, that the Society extend this treatment of the driveway across the front of the Society's half of the building to the east gates.

Your Committee approves Mr. Heeney's recommendation in principle, subject to costs being considered.

BENCHERS' LIBRARY EXTENSION — ALTERATIONS AND RENOVATIONS

Your Committee recommends approval of Mr. Heeney's proposal to renovate the Benchers' Library and nearby rooms to provide adequate locker space for the increased number of Benchers. The renovation involves moving and re-building existing lockers and adding others of similar design; and refinishing the Benchers Library; at a total cost of $20,812.

THE REPORT WAS ADOPTED.

REMEMBRANCE DAY SERVICE

The Treasurer announced that the usual Remembrance Day Service would be held in the Great Library at the First War Memorial on Wednesday, November 10th, 1971 at 12:30 p.m., and appointed Messrs. Cassels and Shapiro a Special Committee on Remembrance Day Service.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of November 1971.

"S. L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 19th November 1971
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Beament, Borins, Bowlby, Callon, Carley, Cartwright, Cass, Cassels, Cooper, Cory, Dubin, Estey, Evans, Fennell, Finlayson, FitzGerald, Grange, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Levinter, Morden, MacKinnon, McLaughlin, O'Brien, Pallett, Pattillo, Raney, Seymour, Slemin, Shapiro, Sheard, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston and R. F. Wilson.

The Minutes of Convocation of the 15th October 1971 were read and confirmed.

The Treasurer announced with deep regret the death on the 17th November 1971 of Senator the Honourable Arthur Wentworth Roebuck, Q.C., sometime Attorney General of Ontario and a Bencher ex officio of this Society.

The Treasurer extended Convocation's congratulations to Messrs. Callon, Lerner and O'Driscoll upon their elevation to the Bench. He referred to the wording of the new Law Society Act and to Mr. Robinette's opinion which was that until they are sworn in, judges have not "taken office" within the meaning of Section 31 of The Law Society Act, 1970, and so remain members of the Society and Benchers until they do take the oaths of office.

SPECIAL COMMITTEE ON ELECTION AND REMUNERATION OF TREASURER

The Treasurer announced the appointment of the following special committee to inquire into and report back to Convocation with recommendations as to

(a) the method and procedure re election of Treasurer; and

(b) whether or not the Treasurer should be remunerated, and if so, the amount of the annual honorarium:

Messrs. Howland (Chairman), Bowlby, Goodman, Martin and Morden.

SOLICITORS LIABILITY INSURANCE

The Treasurer reported orally on the Society's liability insurance plan.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 11th day of November at 2:30 p.m. the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman, and Messrs. Borins, Carley, Cass, Cory, Grange, Gray, Henderson, Howland, Krever, Maloney, Morden, Shapiro, Sheard, Thom, White and Wilson.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

1. *1972 Continuing Education Programme:* A discussion draft of the possible events for the 1972 Continuing Education Series was circulated with a letter from the Chairman of the 1st November to all Members of the Committee. Instructions should be given to our department on whether we should proceed with a series of this comprehensive a nature, and if so, what further or other topics should be discussed.

The topics described in the list were selected on the basis that they each met one or more of the following criteria:

(a) Satisfies a need in the profession for refreshing or updating legal knowledge and skill;
(b) Develops print, audio and video materials for students in the Bar Admission Course;
(c) Permits experimentation with new methods of presentation;
(d) Develops new subject areas for possible inclusion in the Bar Admission Course.

2. *March Special Lecture Series — 1972:*

This item was on the agenda at the last meeting of your Committee and discussion was referred to the November meeting.

Your Committee recommends that the regular March lectures be continued in 1972.

3. *Management Survey:* The growth in the Bar Admission Course and the Department of Continuing Education has necessitated a large increase in staff which has probably not gone far enough. Our commitments to the students in the next

two years and to Continuing Education warrant an objective study of staffing requirements and office organization both on the administrative side and in the Printing Department. We now have eleven members in the Administrative Office and four in Printing. To determine whether this personnel has been effectively organised, or whether further increases are warranted a study by a Management Consultant is necessary. Preliminary discussions as to what this entails have been conducted with Mr. Irving Nyman of Woods, Gordon & Co. It is submitted that the Law Society should engage Woods Gordon for the survey mentioned by Mr. Irving Nyman at an estimated cost of $750 to $900.

Your Committee recommends that this be approved subject to the approval of the Finance Committee.

4. *Consultations with the Ontario Institute for Studies in Education:* This matter was raised at the last meeting and deferred to the forthcoming meeting pending confirmation by the Institute of the proposal attached to my last report letter. At the time of writing we are awaiting word as to whether the proposal has been reviewed and confirmed. The assistance of Mr. Donald F. Burrill of the Institute has been invaluable in constructing the examinations for Real Estate, Civil Procedure I and II, and discussions are underway with respect to the examination in Creditors' Rights and Bankruptcy. Payment for his services and for the estimate made in the proposal can be made from the fund set aside in our budget for marking fees. . . . In these circumstances, we submit that approval of the proposal for payment should be granted.

Your Committee recommends that the estimate of $3,200 be approved, the principle to be recommended at a later meeting.

5. *Board of Review:* At the October Convocation action was taken on part of the Report of the Advisory Committee on Examination Policy and approval given to the recommendation that the Board meet immediately after the examination to consider the marks scored; and to meet again at the end of the school year to consider whether any of the failures should be given pass standing. This referred to only part of the Report made by the Advisory Committee. Action was not taken on that part which recommended that the membership of the Board of Review be changed to consist of the members of the Examination Board and, in the case where the Board meets to consider the marks scored on an examination, the Head of the section in which the examination was conducted. The Examination Board consists of Melville O'Donohue, Q.C.,

Jeffery K. Smith and the Director. It is charged with the responsibility of testing candidates transferring their practice to this Province from other jurisdictions. It is respectfully requested that the composition of the Board of Review be clarified by Convocation.

Your Committee recommends that the Examining Board consists of the Director, Melville O'Donohue and Jeffery K. Smith, and that the Board of Review consist of the members of the Examining Board with the Head of the Section in which the examination was conducted.

6. *Bar Admission Course Faculty Appointments:*

R. H. Krempulec promoted to full-time instructor, in place of A. J. Frey, on leave of absence.

Robert W. Comish appointed a stand-by instructor.

C. R. B. Salter, Esq., to be promoted to instructor for the current teaching term, in place of R. S. Paddon, Esq., resigned.

A. W. Oughtred, Esq., to be appointed a stand-by instructor for the current teaching term in place of C. R. B. Salter, Esq., promoted to instructor. *Approved*

7. *Student Discount on Continuing Education Publications:* We have received several requests from individual articling and under-graduate students for a discount on these publications. Commercial publications make this concession in amounts varying from 10-15% of the regular price of purchase. Our publications should be considered in two categories; first, material which will likely be handed out in the Bar Admission Course without direct charge and, second, material which is not intended as hand out. For the first category we recommend no discount. In the second, we recommend a discount of 20%. *Approved*

8. *Viewing Visual Materials:* Arrangements have been made with the Instructional Media Centre to show the following excerpts at 1.00 p.m. on the 15th November at the Stanford Fleming Building, 10 King's College Road, Room 315:

(a) Pilot Teaching Module for Accounting Series.

(b) Slide and audio presentation prepared by Clarkson Gordon on Income Tax Bill.

(c) Continuing Education programmes on Civil Litigation and Criminal Law.

It is expected that only small portions of each item will be shown, and that the full viewing time will be about one-half hour. Much of our long term planning will be based on an evaluation of the assistance the media can provide and we would welcome as many members of your committee as can find themselves able to attend. *Approved*

CANADIAN BAR ASSOCIATION

In a letter to the Treasurer on the 22nd October, 1971 the Vice-President for Ontario of the Canadian Bar Association, Mr. Alan T. Marshall suggested:

(1) A closer working arrangement and liaison concerning legal education programmes;

and

(2) That the National Office of the Canadian Bar Association make provisions for exchanging between various Provinces papers, programmes, resource materials and films developed by the Provinces Branches for educational purposes. It has been suggested to him that material developed for the Continuing Education Programmes of the Society might be made available.

Your Committee recommends that the Director discuss the matter with Mr. Marshall and report back to the Committee.

PETITIONS

Peter Edward Vivian asks for permission to defer his entrance into the teaching portion of the Bar Admission Course until September 1972 or a subsequent year. He has completed his service under articles. Mr. Vivian's petition is before the Committee. *Approved*

Robert Solomon requests to be allowed to postpone his entrance into the teaching portion of the Bar Admission Course as he has enrolled in a full-time LL.M. programme at the Yale University. Mr. Solomon's petition is before the Committee. *Approved*

Ronald Michael Lieberman requests permission to postpone his call to the Bar until 1973 as he has been accepted as a student at the University of Auckland in their LL.M. programme. This course is for the months of March 1972 to December 1972 inclusive and he must commence his studies in Auckland on March 1st, 1972 which would prevent him being present at the Spring Convocation in 1972. Mr. Lieberman's petition is before the Committee.

Your Committee recommends his application be approved subject to his qualifying for call to the Bar.

THE REPORT WAS ADOPTED.

Mr. MacKinnon (Chairman) presented the Report of the Legal Education Committee dated the 18th November 1971:

Your Committee met on Thursday, the 18th November, 1971 at 4:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Finlayson, Gray, Howland, Pattillo, Shapiro and Thom.

PETITION

Louis S. Allore was confined to hospital from September 28th, 1971 to November 10th, 1971 during which time he missed three examinations in the Bar Admission Course. He now petitions to be allowed to continue in the teaching portion and to be allowed to sit special examinations in the subjects in which he missed the examinations. Mr. Allore, together with his counsel Mr. Sandler wish to make submissions.

Your Committee recommends his petition be granted and he be allowed to write the four examinations.

Mr. Morden took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 11th day of November, 1971 at 1:30 p.m. the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Borins, Cartwright, Cooper, Grange, Lochead, MacKinnon, Sheard and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

SPECIAL

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Joseph William Samuels —	Special — Faculty of Law, University of Western Ontario. Fee $200.00
John B. Yates —	Special — Faculty of Law, University of Ottawa. Fee $200.00.

Approved

TRANSFER FROM ANOTHER PROVINCE

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $411.00, now applies for call to the Bar and to be granted a Certificate of Fitness:

Thomas Ross Anthony Malcolm — Quebec.

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

14 candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1971 under Bar Admission Course Regulations — Part II — No. 2.

In addition, the following candidate has applied:

UNDER REGULATION 4(3)

676. RIP, Gerald Joseph Quebec Transfer.

Approved.

DIRECT TRANSFER

Applications for transfer to practise in Ontario were considered and approved from three solicitors in other parts of Canada.

COMMONWEALTH TRANSFER

An application was received from a solicitor of the Supreme Court of Ceylon that he be permitted to appear before the Committee to make submissions.

FULL TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th February 1960, upon payment of a fee of $200.00:

Leslie Shaw — Licentiate in Theology (Univ. of Emmanuel College, Saskatoon, Saskatchewan 1968); B.A. (Univ. of Saskatchewan 1968); LL.B. (Univ. of Saskatchewan 1968); Pending LL.M. (Univ. of Toronto). *Approved*

Mark Anthony Hickling — LL.B. (Univ. of London, England 1955); Doctor of Philosophy of Laws (Univ. of London England 1958) *Approved*

Keith Burnett Farquhar, LL.B. (Univ. of Wellington, New Zealand).

Mr. Farquhar's application was before the Committee at its meeting on the 9th September at which time he was asked to present more information. At its meeting on the 7th October, 1971 the Committee considered a letter from Mr. Farquhar and recommended his application be refused but that he be advised he may appear before the Committee if he wishes. Mr. Farquhar, together with Dr. H. Allan Leal, Q.C. wishes to attend and make submissions.

The applicant attended with Dr. H. Allan Leal, Q.C. who made submissions on his behalf.

Your Committee recommends that the application be refused.

PETITIONS

John Donaldson Caffey asks to be relieved of the late filing fee because he had difficulty obtaining articles. Mr. Caffey's petition is before the Committee. *Approved*

Myron Wayne Shulgan asks to be relieved of the late filing fee as at the time it was due to be paid he was in financial difficulties. Mr. Shulgan's petition is before the Committee.

Your Committee recommends that the application be refused.

Mr. Gray took no part in the discussion and did not vote.

Moved by Mr. Borins, seconded by Mr. O'Brien, that the Report be amended to grant Mr. Myron W. Shulgan's petition. *Lost*

THE REPORT WAS ADOPTED.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 11th day of November 1971, the following members being present: Mr. Gray, Chairman, Mr. Beament, Vice-Chairman, and Messrs. Cartwright, Fennell, Henderson, Howland, Levinter, MacKinnon, Sheard, Steele, Thom, Trepanier and R. F. Wilson.

ACCOUNTS

The Secretary reports that from the 1st day of October 1971 to the 31st day of October 1971 accounts, including Library Accounts, properly approved to the amount of $134,499.41 have been paid. *Approved*

ANNUAL FINANCIAL STATEMENT, 1970-1971

A draft Financial Statement for the fourteen months ending August 31, 1971, is before the Committee. *Approved*

FINANCIAL STATEMENT, 1st September to 31st October, 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September to the 31st October 1971. *Approved*

ROLLS AND RECORDS

The Secretary reports

Appointments to the Bench

The following members have been honoured by their appointment to judicial office, and their membership in the Society will be in abeyance upon their assuming office:

F. Joseph Cornish, Q.C., Toronto — Called — 18th June 1936; Appointed Jr. C.C. Judge, Judicial District of York — November 8, 1971.

Ray Stortini, Sault Ste Marie — Called — 22nd June 1960; Appointed Jr. C.C. Judge, Judicial District of York — November 8, 1971.

Deaths

The following members of the Society have died:

Hugh Kingsley Campbell, Port Credit (Honorary Life Member)	Called—6th February 1919 Deceased—7th August 1971
Russell M. Dick, Q.C., Ottawa (Honorary Life Member)	Called—22nd May 1914 Deceased—24th October 1971
William E. Sommerville, Q.C., Toronto (Honorary Life Member)	Called—22nd May 1919 Deceased—25th October 1971
Armond T. W. Whitehead, Q.C., Toronto (Honorary Life Member)	Called—6th February 1919 Deceased—5th November 1971.

Noted

APPLICATION FOR REINSTATEMENT

Peter Douglas Hewett Hall was suspended for non-payment of fees by Convocation on the 17th April 1970. He has now paid his fees to date and asks to be reinstated. *Noted*

MEMBERSHIP UNDER RULE 50 — RETIRED MEMBERS

The following members of the Society, having supplied the Committee with the required information, ask to be permitted to continue their membership in the Society under Rule 50:

I. B. Lucas of Markdale, Ontario
June H. Ryan of Toronto, Ontario *Approved*

LIBRARIES AND REPORTING COMMITTEE

Ontario Reports: Backlog

Under the present publishing contract Canada Law Book Limited will publish for the year 1972 a total of 2,400 pages (3 volumes) of Reasons for Judgment. In the event that this number is not sufficient reasonably to catch up on the backlog in publishing Reasons, Canada Law Book requested permission to publish an additional 300 pages for the year or 100 pages per volume.

Subject to the approval of the Finance Committee, the Libraries and Reporting Committee recommended that Canada Law Book Limited be authorized to publish an additional 300 pages for the year 1972, and Convocation on the 15th October 1971 adopted its Report. The Committee's budget for 1971-72 is sufficient to cover this item. *Noted*

Muskoka Law Association — Request for Special Grant

A request has been received from the Muskoka Law Association for a special grant of $2,225.00 to assist in the purchase of a good second-hand set of English Law Reports, 1866 to date.

Your Committee recommends approval of the above request, subject to compliance with Regulations 35(1) of The Law Society Act 1970, and subject to the approval of the Libraries and Reporting Committee.

Insurance

The Sub-Committee on Insurance reports as follows:

TO THE FINANCE COMMITTEE:

Your Sub-Committee on Insurance, composed of Messrs. Levinter (Chairman), McLaughlin and Thom, beg leave to report:

In April 1970 Convocation adopted a recommendation of the Finance Committee that the Society's insurance be reviewed by an independent consultant to be chosen by the Chairman of this Sub-Committee.

Mr. Michael Scott of Corporate Risk Managers Ltd. was selected. After several meetings with the sub-committee he submitted a report analyzing and summarizing the Society's present coverage, and recommending specific types and amounts of coverage which in his view the Society should carry.

Your Sub-Committee reported in March 1971, and Convocation subsequently adopted the recommendation that Corporate Risk Managers Ltd. be engaged at a cost not to exceed $1,500.00 to prepare such specifications and to supervise the implementation of a program of insurance thereunder; the services of the Company also to involve the preparation of an overall audit report with respect to insurance coverage.

On the 24th June 1971 your Committee met and considered detailed insurance specifications prepared by Corporate Risk Managers Ltd. to cover the four areas of — All Risks, General Liability, Crime, and Boiler. After considering carefully the recommendations contained in Mr. Michael Scott's memorandum, Corporate Risk Managers Ltd. were instructed to approach the market to obtain quotations on insurance contracts as recommended to run for the same period as the Society's financial year, from September 1st to August 31st.

Mr. Scott was asked to approach three brokers.

Your Sub-Committee met on the 14th October 1971 and considered a report from Corporate Risk Managers Ltd. setting forth the details of the quotations received from the three brokers approached.

After detailed discussions with Mr. Michael Scott, and having given the matter most careful consideration, your Sub-Committee recommends that the Society's insurance be placed through Tuckett-Little on the basis of the coverage described in the specifications which accompanied Mr. Michael Scott's letter of the 28th June 1971, except as they are shown to be different in the letter of the 4th August 1971 from Corporate Risk Managers Limited.

Copies of the letters of June 28th and August 4th, 1971 are attached.

Dated — November 11, 1971.

"I. Levinter"
Chairman.

Your Committee recommends that the recommendation of the Sub-Committee be adopted, subject to the details being arranged to the satisfaction of the Sub-Committee.

ACCOMMODATION FOR ONTARIO SECTION, C.B.A., IN OSGOODE HALL

In a letter to the Treasurer dated the 22nd October 1971 Mr. Alan T. Marshall, Q.C., Vice-President for Ontario of the

Canadian Bar Association, asked the Society to consider the possibility of accommodating the office of the Ontario Branch of the Canadian Bar Association in Osgoode Hall.

Your Committee recommends that he be advised that accommodation in Osgoode Hall is not available.

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Re: Grant: A letter from Mr. H. St. Geo. Stubbs, Secretary of the Conference of Governing Bodies, advises that the grant requested from this Law Society for the year 1971-72 amounts to $5,800.00. *Approved*

ERRORS AND OMISSIONS INSURANCE

An account from P. D. Norman & Associates dated November 2, 1971 for services rendered, October 1st to October 22nd, in the sum of $8,488.50 is before the Committee for approval.

Your Committee recommends that $2,000.00 be paid now, the balance to be considered by the Special Committee on Solicitors Liability Insurance.

LEGAL EDUCATION COMMITTEE

The Legal Education Committee recommends, subject to the approval of the Finance Committee, that Woods, Gordon & Company be retained at a cost not to exceed $900.00, to examine and make representations with respect to the administrative arrangements in the Society's Bar Admission Course and Continuing Education programme. *Approved*

PUBLIC RELATIONS COMMITTEE — *Communique*

On the instructions of Convocation, the Secretary prepared and distributed among the Benchers a sample communique following the October Convocation.

The cost of distributing a communique after each regular Convocation throughout the year would be approximately $10,000.00. The Public Relations Committee has recommended that publication begin on a regular basis following the January 1972 Convocation. If this were done it would involve the expenditure of approximately $6,300.00 out of the current budget. *Noted*

Mr. Cartwright took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED.

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Thomas Ross Anthony Malcolm — Transfer — Quebec
Joseph William Samuels — Special — Faculty of Law, University of Western Ontario.
John Bert Yates — Special — Faculty of Law, University of Ottawa.

DISCIPLINE COMMITTEE

Re: Compensation Fund

Mr. Beament, Vice-Chairman, presented the Report of the Discipline Committee for the period 1st September to the 31st October 1971:

COMPENSATION FUND

For the period 1st September, 1971 to 31st October, 1971

	Month of Oct. 1971		2 Months ending 31st October, 1971	
Balance on Hand, 31st August, 1971				$1,324,373.74
RECEIPTS				
Investment Income —				
—Gov. of Canada	$15,625.00	$16,750.00		
—Guar. Deposit Interest	1,947.94	3,569.83		
—Bank Interest	347.33	347.33	$20,667.16	
Recoveries — Shuttleworth		$ 400.00		
— A. F. Blotti	4,363.56	4,363.56	4,763.56	25,430.72
	$22,283.83			$1,349,804.46
DISBURSEMENTS				
Grants — Coleman (2)	500.00		$ 500.00	
Counsel Fees, Reporters, etc.	4,061.64		4,061.64	4,561.64
	$17,722.19	Balance—31/10/71 —		$1,345,242.82

OUTSTANDING CLAIMS

Claims outstanding 30th September, 1971		$2,455,011.18
Received during period — Caplan (2)		19,300.00
		$2,474,311.18
Dismissed during period	$15,685.69	
Paid (Amount of Original Claims)	500.00	16,185.69
*Claims Outstanding 31st October, 1971		$2,458,125.49
Total Claims Paid to 31st October, 1971		$2,419,500.19

(767 on account of 76 former solicitors)

*Blotti —	$555,546.00
Bowman —	293,261.54
Caplan —	944,651.38
Harris —	492,422.90
	$2,285,881.82

THE REPORT WAS RECEIVED.

GENERAL REPORT

Mr. Thom, Chairman, presented the Report of the Discipline Committee:

Your Committee met on the 10th day of November, 1971 at 2:30 o'clock in the afternoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. E. Beament (Vice-Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Bowlby, Cartwright, Cass, Cooper, Cory, Evans, Grange, MacKinnon, Morden, O'Driscoll, Shapiro, Steele, Strauss, Trepanier and White.

1. Your Committee considered the following Report of the Sub-Committee which was appointed to consider and recommend upon The Law Society Act, 1970, Section 40:

"I INTRODUCTION

(a) At the regular meeting of the Discipline Committee on June 10th, 1971, G. H. Lochead, Esq., as Vice-Chairman (Discipline) of the Committee was appointed Chairman of a Sub-Committee to consider and report upon the matter of expenses of the Society as referred to in Section 40 of The Law Society Act, 1970.

(b) In due course, Messrs. R. D. Steele and J. W. Morden were added to the Sub-Committee which was not able to meet until August 10th, 1971, as a result of the intervention of summer vacations. As a result of such meeting, your Sub-Committee respectfully reports as follows:

II TERMS OF REFERENCE

Your Sub-Committee apprehended that its terms of reference extended to making recommendations in the form of a report to the full Committee on the following subjects:

(a) In whom does authority reside to order payment of expenses pursuant to the provisions of Section 40?

(b) To what types of proceedings, using the word "proceedings" in its broadest sense, does jurisdiction reside under Section 40?

(c) Under what circumstances should the jurisdiction of Section 40 be invoked?

(d) What types of services, professional or otherwise, and cash disbursements are included in the word "expense" as such word is employed in Section 40?

(e) Consideration of an actual tariff.

III IN WHOM DOES AUTHORITY RESIDE TO ORDER PAYMENT OF EXPENSES PURSUANT TO THE PROVISIONS OF SECTION 40?

(a) The Discipline Committee at a hearing when a decision is made to reprimand in Committee

(b) Convocation under the provisions of Section 34 and Section 39 of The Law Society Act, 1970.

IV TO WHAT TYPES OF PROCEEDINGS, USING THE WORD "PROCEEDINGS" IN ITS BROADEST SENSE, DOES JURISDICTION RESIDE UNDER SECTION 40?

(a) Preliminary investigation — the jurisdiction conferred by Section 40 being limited in terms to a situation where one of the penalties therein referred to has been awarded, it is obvious that payment of all or any part of the expense of the investigation cannot be ordered under Section 40 where either:

(i) no complaint has been laid as a result of such investigation; or

(ii) a complaint or complaints having been laid, none is found to be established.

In any event, your Sub-Committee regards an order to pay expenses as part of a penalty awarded against an erring solicitor and recommends that where the facts be insufficient to award any other penalty the solicitor in effect has been found not guilty and ought not to be subjected to any direct or indirect penalty or payment of costs, with whatever implications might arise from the imposition of such a penalty.

(b) Proceedings in Committee — your Sub-Committee was of the opinion that the use of the word "hearing" in Section 33(12) and Section 40 rendered it quite clear that expenses incurred in connection with a hearing before the Discipline Committee were within the ambit of the authority of Section 40.

(c) Proceedings in Convocation by way of appeal pursuant to Section 39 — your Sub-Committee was of the opinion that the jurisdiction conferred on Convocation by Section 39(3) is wide enough to include an order for payment of part or all of the Society's expense in connection with such an appeal.

(d) Hearing in Convocation by way of consideration of a decision of a Committee other than by way of appeal therefrom, the jurisdiction conferred on Convocation by Section 34 is wide enough to include an order for payment

of part or all of the Society's expense in this connection.
(e) With regard to an investigation which Convocation might refer back to the Discipline Committee for further consideration — your Sub-Committee was of the opinion that such further investigation by the Discipline Committee would fall within the meaning of the word "hearing" in Section 40 and that, therefore, any expenses incurred in connection with such further consideration by the Committee could be included in an order under Section 40.

V UNDER WHAT CIRCUMSTANCES SHOULD THE JURISDICTION OF SECTION 40 BE INVOKED?

In all cases, your Sub-Committee recommends that prima facie the ordering of payment of expenses should follow the event subject to a breakdown of such expenses and, if feasible, in appropriate cases, division between expenses incurred in repect of complaints which are found to be established on the one hand or dismissed on the other hand.

VI WHAT TYPES OF SERVICES, PROFESSIONAL OR OTHERWISE, AND CASH DISBURSEMENTS ARE INCLUDED IN THE WORD "EXPENSE" AS SUCH WORD IS EMPLOYED IN SECTION 40?

Your Sub-Committee recommends that the jurisdiction under Section 40 extend to and include the following-

(a) Expenses incurred in an investigation of a solicitor's conduct up to but not including a Notice of Complaint.

(i) The fees and expenses as billed to the Society of all non-employees of the Society engaged in such investigation. Without restricting the generality of the foregoing, such persons would include any counsel engaged for an opinion, accountants and investigators.

(ii) With regard to employees of the Society, expenses actually incurred by such employees in such investigation and the time devoted by such employees to such investigation, allocated pro rata in accordance with the actual salary of such employees. Your Sub-Committee appreciates that adoption of this rule may require employees of the Society engaged in investigation and hearing of complaints to keep dockets of their time. Your Sub-Committee further recommends that the amended re-wording of Section 40 be clarified so as to make it abundantly clear that the word "expense" as therein used includes an allowance for the time of employees of the Society as hereinbefore referred to.

(iii) No charge to be included in respect of the time or expenses of any Benchers.

(iv) The fees charged by any reporter engaged in such investigation.

(v) Any additional disbursements actually incurred by the Society in connection with such investigation, including a charge for copies of any documents prepared by the Society at the currently prevailing commercial rate.

(b) Expenses incurred in a hearing before the Discipline Committee or Convocation.

(i) (v)—As above with regard to a preliminary investigation.

(vi) Witnesses — As provided by Section 33(10) of The Law Society Act, 1970.

(c) Appeals to the Court of Appeal — your Sub-Committee was of the opinion that this was beyond the terms of its reference.

(d) Section 41 of The Act — your Sub-Committee was of the opinion that this consideration was also beyond its terms of reference.

VII CONSIDERATION OF AN ACTUAL TARIFF

The attention of the Discipline Committee is directed to the last paragraph of Section 12 of the Report which was before the Discipline Committee at its meeting on June 10th, 1971, reading as follows-

> "The regulations respecting expenses should not only contain a code of procedure *but should also contain a tariff* setting forth the expenses that would be recoverable including a charge at an hourly rate for investigation and work done by the Society's auditor in any particular case."

Subject as hereinbefore specifically recommended, by reason of the wide variations in the circumstances of individual cases, your Sub-Committee was of the opinion that it was impractical to establish anything in the nature of a tariff in dollars and cents in respect of the items of services referred to in Section VI of this Report and recommends that the amounts to be ordered in respect of such services be left at large to the discretion of the Discipline Committee or Convocation, as the case may be. In the event, however, that the

Discipline Committee or Convocation reject such opinion of the Sub-Committee, your Sub-Committee was further of the opinion that such a tariff could validly be established by regulation pursuant to the authority contained in Section 55(1) of the Act.

All of which is respectfully submitted.

"G. H. Lochead
Chairman of the Sub-Committee"

Your Committee has approved this Report and recommends that its proposals be carried into effect.

2. REFEREES

Consideration was given to the delegation of powers with regard to the Compensation Fund. At its November 1970 meeting, Convocation delegated powers to the Discipline Committee by resolution reading as follows:

> "Pursuant to Section 51(10) of The Law Society Act, 1970, power be delegated to the Discipline Committee to deal with Compensation Fund claims."

At its April 1971 meeting, Convocation appointed Messrs. R. B. F. Barr, Q.C., J. S. Boeckh, Q.C., and J. C. McTague, Q.C. to be referees and delegated powers to them in the following terms —

> "to hold office until their appointments be revoked by the Benchers and that all necessary powers be delegated to them to enable them to carry out their duties, including the same power to enforce the attendance of witnesses and to compel them to give evidence and to produce documents and things as is vested in any court in civil cases, and that they be paid a remuneration to be fixed by the Chairman or Vice-Chairman of the Discipline Committee and the Secretary."

Your Committee is of the opinion that the practice followed prior to the present Law Society Act coming into effect should be continued, namely, a referee should report to the Discipline Committee and power to make a grant should be delegated only to the Discipline Committee. Your Committee accordingly recommends that the resolution delegating powers in this regard be amended to give effect to this policy.

3. FORM "2" FILING OF MEMBERS WHO ARE ON THE FACULTIES OF LAW SCHOOLS

Your Committee considered a request to exempt members who are on the faculties of law schools and who on occasions may supply legal opinions for a fee, from the provisions of

Section 20(1) of the Regulation made pursuant to The Law Society Act, 1970, which reads as follows —

> "On or before the 30th day of November in each year every member of the Society who has engaged in the private practice of Law as a sole practitioner, partner or employed barrister and solicitor during the preceding twelve-month period or since last filing under this section or a predecessor of this section, shall file with the Society a separate report duly completed by a public accountant and signed by the member in the form prescribed by the rules in respect of each practice with which he was associated since his last filing."

After due consideration, your Committee was of the opinion that exemption should not be granted as requested it being the view that at present there are two categories of lawyers only, those who are engaged in the private practice of law, and those who are not, and that it was not desirable that there should be further division into sub-classifications.

All of which is respectfully submitted.

Dated this 10th day of November 1971.

"Stuart Thom"
Chairman

THE REPORT WAS ADOPTED.

Moved by Mr. Thom, seconded by Mr. Gray —

1. THAT power delegated to the Discipline Committee by resolution of Convocation passed on the 20th of November 1970, reading as follows — viz:

   > "That pursuant to Section 51(10) of The Law Society Act, 1970, power be delegated to the Discipline Committee to deal with Compensation Fund claims"

   include and be deemed to have always included the power to make grants under Section 51(5) of The Law Society Act, 1970.
2. THAT powers delegated to a Referee under Section 51(10) of the Act or any preceding legislation did not and do not include power to make grants out of the Compensation Fund.
3. THAT the Referees hereinbefore or hereinafter appointed shall report to the Discipline Committee with a statement of their findings and recommendations as to payments out of the Compensation Fund. *Carried.*

RE: FRANCIS L. O'DONNELL, TORONTO

The Reporter was sworn.

Convocation had before it the Decision of the Discipline Committee which was that the Solicitor was guilty of professional misconduct in that he failed to maintain office facilities in a manner sufficient for the purpose of maintaining communication with his clients and conducting his practice on a professional basis; failed in particular matters to proceed in accordance with his clients' instructions; in another matter failed to give his clients a written accounting of monies paid by them to him in connection with their purchase of a business; and twice failed to file with the Society the required report of a public accountant respecting his professional records.

The Solicitor attended with Mr. W. J. Smith, Q.C., his counsel.

The Treasurer reviewed the proceedings which had taken place in the matter at the previous Convocation, and reminded the Solicitor and his counsel that the Decision of the Discipline Committee had been accepted, and that with respect to the disposition of the matter two motions were still before Convocation, the first a motion to act in accordance with the Discipline Committee's recommendation, namely that the Solicitor be suspended for a period of three months, and second a motion that instead of the penalty recommended by the Committee, Convocation order the Solicitor to be reprimanded and pay a part of the Society's expenses amounting to $1,600.00. The Solicitor had in October undertaken to Convocation to present at this Convocation evidence of his ability to become associated in the practice of law with a firm of lawyers.

Mr. Smith advised Convocation that the Solicitor could arrange with Messrs. Biles and Wratten, whose offices are a floor above him in the same building as his own office, that the Solicitor would turn over to them all files having to do with civil matters, and would continue himself to act in criminal matters. Messrs. Biles and Wratten, however, would not assume responsibility for the Solicitor's books and records.

Mr. Biles attended before Convocation and confirmed the arrangement. He explained the composition of his firm, and added that in civil matters where counsel was required the firm would probably retain the Solicitor to act as counsel. He agreed to notify the Society if the arrangement between his firm and the Solicitor were to terminate.

The Solicitor and his counsel, Mr. Biles, and the Reporter then retired.

The second motion before Convocation was carried, namely that Convocation order that the Solicitor be reprimanded and pay a part of the Society's expenses amounting to $1,600.00.

The Solicitor and his Counsel returned and were advised of the decision of Convocation.

The Solicitor gave his undertaking to notify the Society of any change in the arrangements between him and Messrs. Biles and Wratten.

The Solicitor and his counsel were advised of the Solicitor's right to appeal the Order of Convocation, and were given an opportunity to request that the Order of Convocation be carried out forthwith. They were advised that the Solicitor might sign a Waiver of his right to appeal.

The Solicitor and his counsel retired, and the Solicitor returned and filed with Convocation the signed Waiver.

The Treasurer reprimanded the Solicitor.

Messrs. Carley, Cooper, Estey, Evans, Finlayson, Howland, Steele and Williston took no part and did not vote.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 11th day of November, 1971 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. Maloney, Chairman, and Messrs. Bowlby, Cory, Fennell, FitzGerald, Goodman, Grange, Krever, Lerner, Lochead, MacKinnon, Morden, Strauss and Thom.

1. Ruling 11 — Automobile Clubs

It has come to your Committee's attention that sub-section (h) of Ruling 3 of the Rules of Professional Conduct covers the principle enunciated in Ruling 11 and therefore recommends that Ruling 11 be repealed.

2. Sub-Committee On Problems In Criminal Law

At its September, 1970 meeting, your Committee recommended the appointment of a sub-committee, composed of Mr. A. E. Maloney as Chairman, and Messrs. Bowlby, Dubin, O'Driscoll, Robinette, Sedgwick and Strauss, to provide advice in connection with the conduct of criminal cases and to encourage lawyers to avail themselves of this service when confronted by difficult ethical problems. From time to time, guidance has been sought by members of the profession. Recently, the following problem was submitted:

> "A robbery in an Ontario city took place, wherein a number of cheques were stolen. Four people, A, B, C and

> D came to Hamilton, where an attempt was made to cash these cheques. A, B, C and D were charged with conspiracy to defraud the public of property by means of stolen cheques, contrary to Section 408(1)(d) of the Criminal Code. A and B pleaded guilty and were sentenced to 3 and 9 months respectively. D fled the country. The inquiring lawyer's client, C, steadfastly maintained his innocence throughout, pleaded not guilty and elected trial by judge and jury. C stated that A and B would testify to the fact that he was paid $10.00 for gas money to drive them to Hamilton and that was all he had to do with the case. C's lawyer spoke to B in order to decide whether or not to have B as a defence witness to the preliminary hearings. B initially substantiated C's story. Upon further questioning, B admitted that in the beginning, C knew nothing about the cheques, but during the car ride, he was told and he agreed to help dispose of the cheques for a quarter share of the proceeds. B stated that he told the police that C had nothing to do with it and indicated to C's lawyer that he was prepared to say the above at the trial."

The lawyer was concerned about his responsibility as an officer of the court with regard to any evidence B might give. The member of the sub-committee advised as follows:

> ". . . as the witness B has admitted to the lawyer that his story to the police and his original story to the lawyer was false, the member did not think that B could be called by the lawyer as a defence witness."

The member stated that he would never put a witness in the box who would, to the member's knowledge, give evidence that might expose him to a prosecution for perjury. The lawyer was informed of this opinion.

3. MISCELLANEOUS

(a) Your Committee considered the propriety of a situation wherein it would appear that the public is led to believe that two or more lawyers are in partnership by reference to letterhead, signs denoting their offices etc. whereas, in effect, these lawyers are sole practitioners. Your Committee is of the opinion that it is not contrary to any regulation or ruling of the Society for lawyers to hold themselves out to being in partnership when, in reality, such is not the case. It would create very great and unnecessary inconvenience to the profession if lawyers were required, every time they entered into some arrangement to share expenses, to reveal to every client the precise nature of the relationship. The Committee also considered the question of whether it is proper for lawyers who are not partners, to operate together one trust account. Your Committee is of the view that this point is clearly dealt with in Section 18 of the Regulations made pursuant to the Law Society Act, 1970 which reads as follows:

> "18. (1) Every barrister and solicitor who receives money in trust for a client . . . shall forthwith pay such money into an account at a chartered bank . . . to be kept *in the name of such barrister and solicitor or in the name of the firm of which he is a member or by which he is employed, and designated as a trust account.*"

and that the lawyer must keep a separate trust account for his own practice.

(b) An opinion was requested by a Toronto area lawyer as to whether it would be proper for him to be a sub-agent in the selling of 1971-72 series of Canada Savings Bonds. The Secretary was instructed to write to the lawyer and advise that provided the provisions of Ruling 15(2) were complied with, there would appear to be no objection.

(c) A Toronto lawyer wrote to your Committee advising that periodically his firm has been asked to fill out certificates of independent legal advice for married women. On occasion, these requests came from various banks for whom, from time to time, the law firm has acted. The question posed was, whether it is proper to give independent legal advice to a married woman in regard to barring her dower, signing bank guarantees, etc. if, in fact, the firm has acted for that particular bank. Your Committee instructed the Secretary to advise that in any given situation where the previous contact with the bank concerned had not been of an isolated nature it would be improper to give such a certificate, as there is a possibility that a conflict of interest could arise.

THE REPORT WAS ADOPTED.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 11th day of November, 1971, the following members being present: Messrs. Steele (Chairman), H. E. Harris, Borins, Carley, Cassels, Grange, Shapiro and Strauss, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st October, 1971, were approved as follows:

Great Library

	Books	*Sundries*	*Salaries*
Estimates	$30,000.00	5,500.00	126,636.00
Expenditures	2,628.91	302.59	19,843.10

Special Account

Estimates	22,159.70
Expenditures	Nil

Bar Admission Course Library

	Books	*Salaries*
Estimates	20,000.00	12,127.00
Expenditures	3,932.49	2,082.32

Approved

GIFTS AND DONATIONS

Mr. John D. Honsberger, Q.C., has donated a copy of Moore's *Federal Practice; rules and official forms as amended*, 1971. New York. Bender, 1971. 3987 pages.

Mr. A. P. G. Joy, Q.C., has donated a total of 120 volumes of the *Statutes of Ontario* covering the years 1952-1970.

Mr. Donald R. Walkinshaw, Q.C., has donated one volume of the *Statutes of Canada*, 1968-69.

The Honourable Peter Wright has donated a total of 90 volumes made up of 85 bound *Reports and Statutes for Ontario* and 5 unbound *government documents*. *Noted*

BOOK LIST

A list of books which have been ordered for the Great Library was approved.

COUNTY LAW LIBRARIES

MUSKOKA LAW ASSOCIATION: REQUEST FOR SPECIAL GRANT

Your Committee considered a request received from the Muskoka Law Association for a special grant under Regulation 35(1) of The Law Society Act, 1970.

The Muskoka Law Association wants to purchase a second hand set of the English Law Reports, 1866 to date. The cost of this set from a private dealer is $3,500. The Association requests a grant of $2,225.00 to assist with this purchase and they will pay the balance. The cost of purchasing the same set from a commercial dealer is about $6,000.

The Muskoka Law Association was incorporated on 24th October, 1958. Its library was established in September 1961 in the Muskoka District Court House. Membership has increased from 11 members in 1958 to the present 22 members. The Association has never made a request to the Society for financial aid. When it was incorporated in 1958, the membership contributed $1,100.00 towards the purchase of materials. Commencing in 1972, membership fees will be increased from $25.00 to $50.00 to meet increased costs.

There is no other substantial law library in the area. The Simcoe County Law Library is 57 miles away in Barrie and the Nipissing Law Association Library is 98 miles away in North Bay.

The Chief Librarian inspected the Muskoka Law Association Library in April 1971 and found that with the exception of a few leading texts, there was a complete lack of material on English law. (There were no digests, reports or statutes.)

The Association has now made long-range plans to build up its library collection to meet the minimum standards of a basic law library.

On the information before it, subject to the approval of the Finance Committee, your Committee recommends that Convocation make a special grant (under Regulation 35(1)) of $2,225.00 to the Muskoka Law Association to assist it in purchasing a set of the English Law Reports.

REPORTING

REQUEST FROM WILLIAM S. HEIN & CO., INC.

Your Committee considered a request received from William S. Hein & Co., Inc. (law book publishers in Buffalo, New York) for permission to reprint volumes 1 — 66 of the Ontario Reports.

Before making a recommendation, your Committee wishes to know if a Canadian Law Book publisher wishes to reprint this series. The Secretary was instructed to make enquiries and report back to your Committee at its next meeting.

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th day of November, 1971, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, Fennell, FitzGerald, Henderson, Steele and Trepanier.

Several months ago, your Committee considered various newspaper advertisements where legal secretaries were offering to prepare divorce papers. Counsel was retained to investigate but there was no evidence of unauthorized practice. At that time too, your Committee had before it a "divorce kit" and was, and still is, of the opinion that this kit by itself does not constitute unauthorized practice.

In view of the additional information before it, your Committee views this matter as a very serious problem and passed a resolution that Counsel be appointed in three cities where divorce services are being provided to carry out a full investigation and to report back to your Committee as soon as possible.

Your Committee also passed a resolution that the Committee Chairman, Mr. Nathan Strauss, and such persons as he may appoint meet with representatives of the Family Law Subsection of the Ontario Section of the Canadian Bar Association.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS ADOPTED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 11th day of November, 1971 at 12:30 p.m., the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby, Carley, H. E. Harris, Krever, Lochead, Morden and White.

Communique

On the instructions of Convocation, and following the October Convocation, the Secretary prepared a sample Communiqué which was printed and distributed to all Benchers. The reaction will be canvassed at the regular Convocation in November.

Your Committee approves the sample Communiqué and recommends, subject to the approval of the Finance Committee, that publication begin on a regular basis following the Convocation of 21st of January, 1972.

Radio and Television Programmes

At its meeting on October 7th the Committee recommended that an investigation be made of programmes for radio and television. As an initial step the Ontario Educational Communications Authority was asked to provide descriptions of the television series currently being produced by them. They have supplied notes of nine productions under the general heading of "Issues in Canadian Law" which notes are before the Committee.

Your Committee recommends that the matter be referred to the Chairman and Secretary to explore further with a view to making specific recommendations.

THE REPORT WAS ADOPTED.

Convocation adjourned for luncheon at 12:40 p.m.

The Treasurer and Benchers entertained as their special guests at luncheon the Honourable Mr. Justice Aylesworth, the Honourable Mr. A. A. Wishart, Q.C., Mr. C. F. H. Carson, Q.C., and Mr. Isadore Levinter, Q.C.

Convocation resumed at 2:15 p.m., a quorum being present.

LEGAL AID COMMITTEE—Mr. Bowlby

The *LEGAL AID COMMITTEE* met on Wednesday, the 10th day of November, 1971 the following members being present: Mr. J. D. Bowlby (in the Chair), and Messrs. Beament, Cass, Cooper, FitzGerald, Killeen, Lochead, Morden, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of September, 1971.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 6 months ended September 30, 1971.

(b) The Controller submitted a statement of solicitors' accounts, etc. for services rendered the Legal Aid Plan.

(c) The following lease, approved by John D. Honsberger, Q.C. on behalf of the Law Society has now been approved by your Committee:

> *Halton County* — 345 Lakeshore Road East, Oakville — 2 years November 1, 1971 — November 1, 1973 — $196 per month.

(d) Audit for the year ended March 31, 1971 — The Legal Aid Fund.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended October, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of October, 1971.

LIMITATIONS OF CERTIFICATES

At the August, 1971 meeting the Committee considered a report from the Director resulting from an enquiry made to the Area Directors as to whether the policy of limiting the number of criminal certificates which a solicitor may accept in any fiscal year should be continued.

The Committee appointed a sub-committee consisting of Messrs. Bowlby, Lochead and Wallace to study the matter and report back to the Committee.

To date the Provincial Director has exercised his discretion in favour of an extension to *three* solicitors in York County and *one* solicitor in Middlesex County. These extensions from the 75 limit provide the solicitors with the opportunity of taking a further 25 certificates and they were advised that there would be no further increase. The provincial office has now received similar requests from 14 solicitors. Further, those solicitors who have received approval to extend the limitation to 100 certificates are now requesting a further extension.

A Toronto solicitor requested permission to appear before the Committee to discuss the limitation of criminal certificates as it affects his practice.

The Committee discussed the limitation policy with the Solicitor in depth and, as a result, your Committee recommends:

(a) That the policy of limiting the number of criminal certificates to 75 which a solicitor may accept in a Legal Aid fiscal year be continued.

(b) That the Director be given discretion to waive the limitation and permit an increase to 125, subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee, if the Director refuses the request.

(c) That any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

COMMUNITY LEGAL SERVICES

(a) Mr. Lyle S. Fairbairn, solicitor, tendered his resignation from the Legal Aid Committee due to his appointment as

Assistant Provincial Director of the Ontario Legal Aid Plan. Mr. Fairbairn will review and coordinate the efforts of all concerned to extend legal services to those who require it, with particular emphasis on the scope of the Legal Aid Plan and its relationship to other proposed programmes.

Your Committee noted that Mr. Fairbairn was appointed to the Committee in July, 1967, and, in accepting his resignation, expressed their appreciation for his support and help as a Committee member.

Mr. Fairbairn gave the Committee an oral report on poverty law and community legal services programmes, and some of their practical implications in Ontario.

(b) James B. Chadwick, Area Director, Carleton County, wrote the Director with respect to the Establishment of five community legal aid clinics in the Ottawa region; four of these clinics are in addition to the already established Lower-Town Project on which Mr. Chadwick reported last September.

The Committee requested the Director to write Mr. Chadwick advising him that the Committee are impressed with the projects he has developed and the favourable publicity they are receiving.

CORRESPONDENCE

The Director reported that Martindale-Hubbell has presented to the legal aid library a five-volume edition of their 1971 law directory.

This generous gift has been acknowledged.

AREA DIRECTORS' MEETING

November 18 and 19, 1971

The Director reported that a meeting of Area Directors has been called for Thursday, November 18th and Friday, November 19th, 1971 in the Barristers' Lounge at Osgoode Hall.

AREA COMMITTEES

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Essex County
Dr. John McCabe
Mrs. Elizabeth Kishkon
Pierre Blais

The following resignation was also noted:

Stormont, Dundas & Glengarry Counties
C. J. McDougall, Q.C., Cornwall.

THE REPORT WAS ADOPTED.

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Wednesday, the 10th day of November 1971, the following members being present: Mr. Sheard, in the Chair, and Messrs. Common, Levinter and R. F. Wilson.

Mr. Arthur Heeney was also present by invitation.

CLEANING AND RESTORING FACADE OF OSGOODE HALL

Convocation on the 15th October 1971 approved the expenditure of $13,500.00 to have the old part of the south facade of the Society's building cleaned and pointed by the water-sand method. Mr. Heeney was asked to determine the cost of washing the 1937 building and part of the new Law School building.

A letter from Mr. Heeney is before the Committee showing a cost of $5,650.00. This would include the exterior stone work of the south, east and north elevations of the Society's building. *Approved*

RE: ALTERATIONS AND RENOVATIONS, LAW SOCIETY BUILDING

At a meeting of the Committee on the 1st March 1971 Mr. Heeney submitted details of the cost of the work involved in preparing the west and centre wing basement areas and certain rooms on the first and second floors, for use by the Law Society, estimated at $107,586.00.

A letter from Mr. Heeney of October 26, 1971 with respect to the revised estimate of cost is before the Committee showing —

			Net Increase
1.	*Proposed Elevator*		
	Cost today	$69,154.00	
	Estimated cost February, 1971	48,807.00	$20,347.00
2F.	*Basement Air Conditioning*		
	Cost today	$30,878.39	
	Estimated cost February, 1971	12,000.00	$18,878.39
2E.	*Basement Lighting*		
	Cost today	$ 7,000.00	
	Anticipated cost February, 1971	2,000.00	$ 5,000.00
4(i)	*Lighting Upper Floors*		
(ii)	Cost today	$12,223.00	
	Estimated cost February, 1971	5,500.00	$ 6,723.00
	Total		$50,948.39

Approved, on the understanding that Mr. Heeney will review and try to reduce the cost of 2E and 2F.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON THE COMPETITION ACT

Mr. Henderson, Chairman, reported orally to the following effect:

1. That a brief be submitted to the Minister of Consumer and Corporate Affairs, expressing concern with respect to the exemption provisions;
2. That his Committee keep in touch with other governing bodies;
3. That, according to the Minister, a new bill will be introduced in the next session, reflecting the views of interested groups.
4. That Section 92 of the Act does not exempt lawyers: lawyers are not defined anywhere as a profession.
5. That a secondary provision in the proposed Act refers to entry into the Market. It could be argued that the Society's Admission Rules were in conflict with this provision.
6. That it is possible that where fees are approved by a Rules Committee and then supervised by a Taxing Officer, or similar official, there would be no problem.
7. That the greatest difficulty is with respect to County Tariffs, if such a tariff is imposed upon members of the County Associations. It would appear that a suggested tariff is not within the scope of the proposed Act but this should be clarified with the Department of Consumer and Corporate Affairs.
8. That the Canon of Legal Ethics, Section 1.3(9) would have to be re-examined if the Act in its present form should become law.

Mr. Henderson also indicated that the Committee intended to prepare a brief and to work in concert with other jurisdictions; and that the Treasurer had suggested a meeting with the County Associations at which time a memorandum on the Act, which had been submitted to the Association beforehand, could be considered.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on the 21st of September, 1971 and on the 13th of October, 1971, Messrs. Sheard, Cassels and Morden being present on the first occasion and Messrs. Sheard and Morden on the second.

Your Committee considered five applications for grants from the fund, and in three of them recommended that grants be made totalling $3,000.00. In one of the other cases the Committee recommended that the applicant be advised that she would not qualify, but that an application could be made on behalf of the child of the former member of the Society. In the remaining case the applicant had been advised that the fund could be of no assistance to him, and that he should discuss with counsel the question of a personal bankruptcy.

THE REPORT WAS ADOPTED.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 21st day of January, 1972.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Tuesday, December 7th, 1971
10 a.m.

PRESENT:

The Treasurer and Messrs. Bowlby, Carley, Cartwright, Cory, Fennell, Finlayson, Grange, Gray, H. E. Harris, Krever, Lochead, Morden, MacKinnon, McLaughlin, Seymour, Shapiro, Strauss, Thom and Trepanier.

SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE—Mr. Gray

The SPECIAL COMMITTEE ON SOLICITORS' LIABILITY INSURANCE begs leave to report:

In November of 1970 a Special Committee on Solicitors' Liability Insurance reported to Convocation recommending the insurance which is now in effect. Thereafter that Committee went out of existence and matters having to do with Solicitors' Liability Insurance were handled by the Finance Committee.

The Society's Consultant, Peter Norman, wrote on the 17th of August, 1971 reporting on the claims which have been made under the policy and was of the firm opinion that the losses would not justify any increase in premium for the ensuing year. On September 23rd, notwithstanding there had been no substantial change in the loss picture, the Society received notice from The Guardian Insurance Company that it did not intend to renew.

The Treasurer called a special meeting on the 1st of October when he met with Messrs. Levinter, MacKinnon and Pattillo. The Society's counsel, Mr. Alistair Paterson, was also present as were Mr. Peter Norman and Mr. Fred Maltman, the Adjuster. It appeared to that meeting that it was a matter of urgency for alternative arrangements to be made as soon as possible to continue to provide insurance coverage for the members of the Society. Mr. Paterson was asked to arrange for a discussion with J. H. Minet & Co. (Canada) Ltd. to see whether if they were appointed the Society's agents they could provide insurance comparable to the coverage the Society already had.

It was also decided that further information should be obtained respecting the attitude of The Guardian Insurance Company so that its position would be perfectly clear. Accordingly a meeting was arranged for 3:30 p.m. on Wednesday, the 13th of October, when the Treasurer and Mr. O'Brien met with Mr. Henry Hall and Mr. G. J. Lynch of The Guardian Insurance Company. Mr. Peter Norman was also present as were Mr. Peter Armour and Mr. Barbary of Reed Shaw Osler Limited.

The Treasurer has reported orally to Convocation of these developments including the meeting with representatives of The Guardian Insurance Company.

Convocation on Friday, the 15th of October, 1971, authorized the Treasurer to appoint a new Special Committee on Solicitors' Liability Insurance and the Treasurer appointed Mr. W. Gibson Gray as Chairman and Messrs. Henderson, Lochead, O'Brien and Pattillo.

Since its appointment your Committee has met on Tuesday, October 19th at 10 a.m. when Mr. Gray was Chairman and Messrs. O'Brien, Pattillo and Robins attended, Messrs. Paterson, Norman and Maltman attending at the Chairman's invitation; on Thursday, the 21st of October at 10 a.m., when Mr. Gray was Chairman and the same persons were present and on Friday, the 22nd of October, with the same attendance except that Mr. Maltman was not there.

At these meetings the following decisions were taken:

(1) That J. H. Minet & Co. (Canada) Ltd. be appointed the Society's brokers until the 15th of November, 1971 to procure a policy at a premium and for a term acceptable to the Society and on the same terms as the present policy;

(2) That the necessary letter of authority in a form approved by the Committee be sent by the Secretary to J. H. Minet & Co. (Canada) Ltd.

(3) That Messrs. Reed Shaw Osler Limited be formally advised by the Secretary that the Society was pursuing the Solicitors' Liability Insurance matter through other brokers.

The Society was advised that Minet's were negotiating with Lloyds of London and Employers Reinsurance Corporation of Kansas City and that representatives of Employers Reinsurance Corporation would welcome an opportunity to meet representatives of the Society to assist them in preparing a proposal to be presented through J. H. Minet & Co. (Canada) Ltd. A meeting was arranged for 10:30 a.m. on Wednesday, November 10th when the Treasurer and Messrs. Gray and O'Brien met with Mr. James Mathers, Mr. Larry Worrall and Mr. Michael Fitt of Employers Reinsurance Corporation. Messrs. Paterson, Norman and Maltman were present at the Treasurer's invitation, as was Mr. John Herbert of J. H. Minet & Co. (Canada) Ltd. There was a general discussion to acquaint Messrs. Mathers, Worrall and Fitt with the organization of the profession in Ontario and the details of the Society's experience under its present Errors and Omissions Insurance policy.

On the 16th of November the Society received a letter from Mr. John Herbert of Minet's dated the 12th of November, reporting that he had two indications of coverage, one led by Lloyds and the other from Employers Reinsurance Corporation.

Indication "A" (led by Lloyds) offers the Society substantially the same coverage they now have at a premium which, taking into account tax on non-admitted insurers, amounts to $89.25 per member inclusive of brokerage fees. This compares with a cost of $94 per member for the present policy when brokerage costs are included. Indication "A" however envisaged the individual certificates being uncancellable for three years but the master policy being cancellable ninety days before the 1st of December in any year. Also, individual members would be able to join the plan at any time and have coverage for three years thereafter. In discussion Mr. Herbert indicated that he believed the underwriters led by Lloyds would amend their offer to provide that the master policy would be uncancellable for three years and that the individual certificates would expire concurrently with the master policy. The premium would be adjusted in the event of adverse loss experience.

Indication "B" from Employers Reinsurance Corporation also offers substantially the same coverage that the Society now has at a premium of $105 per member including brokerage commission, the policy and the individual certificates to be non-cancellable for two years with an option to continue for a third, fourth and fifth year, any rate increase to be predicated upon adverse loss experience.

Your Committee approved in principle Indication "A" as set forth by Mr. Herbert's letter of the 12th of November, 1971, subject to the master policy being non-cancellable for three years and the certificates being concurrent with the master policy and subject to other details being worked out satisfactorily by the 1st of December, 1971.

Your Committee met on Monday, the 6th of December and had before it a telegram dated the 3rd of December, 1971 which was followed by a letter of the same date from J. H. Minet & Co. (Canada) Ltd. confirming that insurance in accordance with Indication "A" with the Society's amendments included, had been arranged for the Society's acceptance. They enclosed three formal memoranda of insurance giving effect to the insurance.

Your Committee recommends that the Society agree to be insured in accordance with memoranda of insurance Nos. 14975, 14975 C and 14975 H supplied by J. H. Minet & Co. (Canada) Ltd. and dated at Montreal the 3rd of December, 1971, at a cost per practising member of $85 (plus $3.40 premium tax applicable to non-admitted insurers).

Your Committee further recommends that the levy payable to the Society by practising members be $110 for 1972 prorated quarterly as follows for members who become covered during the year:

For those joining in January, February or March	$110.
In April, May or June	85.
In July, August or September	60.
In October, November or December	35.

and that the levy be apportioned as follows:

Premium (including premium tax)	88.40
Administration and contingency fund	14.60
Adjustment of claims	7.00
	$110.00

All of which is respectfully submitted.

Dated the 6th day of December, 1971.

"W. Gibson Gray"
Chairman

THE REPORT WAS ADOPTED.

CANADIAN NATIONAL EXHIBITION ASSOCIATION

Moved by Mr. MacKinnon, seconded by Mr. Thom that Mr. W. B. Common, Q.C. be appointed the Society's representative to the Canadian National Exhibition Association for the ensuing year. *Carried.*

LEGAL EDUCATION COMMITTE

Mr. MacKinnon reported that Mr. James Charles Nimmo has been engaged as Assistant Director of the Bar Admission Course as of the 1st January 1972 at a salary agreed upon. *Approved*

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 21st day of January 1972.

"SYDNEY L. ROBINS"
Treasurer

MINUTES OF SPECIAL CONVOCATION

Thursday, 20th January 1972
10 a.m.

PRESENT:

The Treasurer (Mr. Robins), and Messrs. Borins, Bowlby, Carley, Cartwright, Chappell, Cory, Evans, Fennell, Finlayson, Gray, Griffiths, W. E. Harris, Krever, Levinter, Morden, McCulloch, MacKinnon, Pattillo, Seagram, Sopha, Steele, Strauss, Thom, Wallace, White and Zahoruk.

Election of Benchers

Messrs. Harry W. Zahoruk of Burlington, Charles J. Seagram of Barrie, W. David Griffiths and Hyliard G. Chappell, both of Toronto, were elected Benchers to fill the vacancies left in Convocation by Mr. Justice Callon, Mr. Justice Lerner, Mr. Justice O'Driscoll and His Honour Judge Shapiro.

They were appointed to the following Committees:

Harry W. Zahoruk — to — Finance Committee, Libraries and Reporting Committee, Unauthorized Practice Committee, Legislation and Rules Committee.

Charles J. Seagram — to — Admissions Committee, Discipline Committee, Professional Conduct Committee, Libraries and Reporting Committee.

W. David Griffiths — to — Legal Education Committee, Discipline Committee, Professional Conduct Committee, Legal Aid Committee.

Hyliard G. Chappell — to — Discipline Committee, Unauthorized Practice Committee, Public Relations Committee, Legislation and Rules Committee.

Mr. Peter deC. Cory was appointed to the Legal Aid Committee.

DISCIPLINE COMMITTEE

RE: A SOLICITOR

Convocation considered the Report of the Discipline Committee, and the Solicitor made submissions in respect thereto and referred to written submissions already filed.

Convocation adjourned for luncheon at 12:30 p.m.

The Treasurer and Benchers entertained as their special guest at luncheon His Excellency the Right Honourable Roland Michener, C.C., C.D., Governor General of Canada.

Convocation resumed at 2:30 p.m., the following being present: The Treasurer and Messrs. Borins, Bowlby, Carley, Cartwright, Cory, Evans, Fennell, Gray, Griffiths, W. E. Harris, Krever, Morden, MacKinnon, Pattillo, Seagram, Sopha, Steele, Strauss, Wallace, White and Zahoruk.

This matter was adjourned to 2 p.m. on Friday, the 18th February 1972, subject to change if necessary.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 18th day of February 1972.

"Sydney L. Robins"
Treasurer.

MINUTES OF CONVOCATION

Friday, January 21st, 1972
10 a.m.

Present:

The Treasurer (Mr. Robins) and Messrs. Beament, Borins, Bowlby, Carley, Cass, Cooper, Common, Cory, Estey, Fennell, Grange, Gray, Griffiths, Henderson, Howland, Krever, Morden, McCulloch, MacKinnon, O'Brien, Pallett, Pattillo, Raney, Seagram, Sheard, Sopha, Steele, Strauss, Thom, Trepanier and White.

The Minutes of Convocation of the 19th November and the 7th December 1971 were read and confirmed.

Osgoode Hall Law School and York University

Moved by Mr. Pattillo, seconded by Mr. Cooper, that the Treasurer and Chairman of the Legal Education Committee be empowered to discuss with officials of York University the return of the name "Osgoode Hall" to the Law Society, and report back to Convocation in three months or sooner.

Carried

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday the 13th day of January, 1972 at 2 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Lochead, MacKinnon, Sheard and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Mark Anthony Hickling — Special — Faculty of Law, University of Western Ontario — Fee $200.

David Leslie Shaw — Special — Faculty of Law, University of Ottawa.

Approved

ADMISSION OF STUDENT-AT-LAW

BAR ADMISSION COURSE

The following candidate having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applies for admission to the Law Society as a student-at-law in the Bar Admission Course, as of September 1, 1971:

Under Regulation 4(3) and 4(4)

677. GAVSIE, David Colin — Quebec Transfer.

Approved

DIRECT TRANSFER

Applications for transfer to practice in Ontario were considered and approved from three solicitors in other parts of Canada, as was an application from an advocate of the Bar Council of Madras.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under the statement of policy respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th February, 1960, upon payment of a fee of $200.

Denis Norman Magnusson — B.C. (Univ. of Manitoba 1965), LL.B. (Queen's University 1968), LL.M. (Univ. of Michigan 1970).

By the time Mr. Magnusson's petition was considered he was no longer a full-time member of a law faculty. Accordingly your Committee recommends that Mr. Magnusson's petition be not granted.

Douglas Esmond Sanders — B.A. (Univ. of Alberta 1960), LL.B. (Univ. of Alberta 1961).

John Donaldson Whyte — B.A. (Univ. of Toronto 1962), LL.B. (Queen's University 1968), LL.M. (Harvard University 1969).

Approved

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January 1972 is before the Committee. Three candidates sat the examination. The following candidates have passed:

Edward Neil Colborne
Wayne Edward Shaw
Richard Andrew Thompson.

Approved

THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Mark Anthony Hickling — Special — Faculty of Law, University of Western Ontario.

David Leslie Shaw — Special — Faculty of Law, University of Ottawa.

LEGAL EDUCATION COMMITTEE — Mr. MacKinnon

Your Committee met on Thursday, the 13th day of January, 1972 at 2:30 p.m. the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Cass, Finlayson, Gray, Krever, Morden, Pattillo, Sheard, Thom and White.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Assistant Director: Mr. James C. Nimmo was appointed "Assistant Director" pursuant to the authorization granted at the Special Convocation held on the 7th of December.

Approved

Bar Admission Course Faculty Appointments: It is recommended that the following appointments be approved for the 1971-72 teaching term of the Bar Admission Course:

(a) *Section on Family Law*

R. Richman
J. R. R. Jennings
J. R. Casey, Q.C.
G. K. Selzer
J. D. Sheard, Q.C.
M. D. Lipton
B. Laker, Q.C.
L. K. Ferrier
Mrs. P. McTavish
P. Gravely
I. G. Gillanders
F. G. Gans
G. W. Brigden
H. D. Wilkins
H. D. Stewart
G. T. Walsh, Q.C.
D. H. Lissaman, Q.C.
C. C. Mark
G. D. Fitzhenry
D. J. Catalano
J. D. Karswick
M. C. Kronby

(b) *Section on Income Tax*

R. Appleby
J. M. Bradley
D. S. Ewens
J. S. D. Fogler, Q.C.
M. A. Mogan
J. S. Peterson
S. W. R. Seyffert
J. E. Sheppard
S. M. Sigel
J. M. Spence
J. G. Ware
D. Bowman
G. E. Cooper
J. M. Farley
T. E. J. McDonnell
D. C. Nathanson
A. M. Schwartz
J. D. Sharples
B. F. Shostack
D. W. Smith
T. A. Sweeney
R. G. Witterick

Stand-bys

F. D. Baker
S. C. Smith
F. E. Cappell
J. M. Solursh

(c) *Section on Estate Planning & Administration of Estates*

Miss R. E. Hodgins
B. A. Spiegel
K. L. Saltzman
J. T. Robson, Q.C.
J. F. Kennedy
J. M. Fluke
S. Taube
M. O'Donohue, Q.C.
Elizabeth Slazor
T. A. Sweeney
I. C. Hart, Q.C.
D. G. Fuller
D. F. Curtis
T. W. Powers
M. Archibald
R. L. Kennedy
R. E. Jarman
J. D. Simmons
M. Sheard
F. D. Baker
M. G. Gross
L. S. D. Fogler, Q.C.
S. Heighington
G. S. Macdonald, Q.C.

Stand-bys

Donna Haley, Q.C.
D. A. Smith

Approved

Report of the Board of Review for Civil Procedure I and II and for the Section on Creditors' Rights and Bankruptcy

Reports of the Board for each of these sections will be filed at the meeting of your Committee.

Received

THE REPORT WAS ADOPTED

FINANCE COMMITTEE — Mr. Gray

Your Committee met on Thursday, the 13th day of January 1972, the following members being present: Mr. Gray (Chairman), Mr. Beament (Vice-Chairman), and Messrs. Fennell, Levinter, Pallett, Pattillo, Steele, Thom and Trepanier.

ACCOUNTS

The Secretary reports that from the 1st day of November to the 31st day of December 1971 accounts, including Library Accounts, properly approved, to the amount of $360,816.25 have been paid.

Approved

FINANCIAL STATEMENT, 1st September to 31st December 1971

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September to the 31st December 1971.

Approved

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointment to judicial office, and their membership in the Society is in abeyance:

Thomas P. Callon, Q.C., Thunder Bay	Called—16 September 1948 Appointed Judge, S.C.O. — 10 November 1971
J. D. S. Cromarty, Q.C., Welland	Called—17 June 1937 Appointed Judge, S.C.O. — 10 November 1971
Mayer Lerner, Q.C., London	Called—19 September 1929 Appointed Judge, S.C.O. — 10 November 1971
John G. J. O'Driscoll, Q.C., Toronto	Called—23 June 1955 Appointed Judge, S.C.O. — 10 November 1971
Mabel M. Van Camp, Q.C., Toronto	Called—18 September 1947 Appointed Judge, S.C.O. — 10 November 1971

The membership of the following will be placed in abeyance upon their assuming office:

Colin Simpson Lazier, Q.C., Hamilton	Called—29 June 1948 Appointed Jr. Judge, C.C.C. Wentworth, 6 December 1971
Michael J. Moriarity, Q.C., Hamilton	Called—29 June 1950 Appointed Jr. Judge, C.C.C. Wentworth, 6 December 1971
Edward O. Fanjoy, St. Thomas	Called—15 January 1953 Appointed Judge, C.C.C. Brant, 17 December 1971
B. Barry Shapiro, Q.C., Toronto	Called—19 June 1941 Appointed Judge, C.C.C. Peel, 24 December 1971
John Kenneth Blair, Q.C., Guelph	Called—17 June 1937 Appointed Judge, C.C.C. Halton, 24 December 1971
Alexander J. Davidson, Q.C., Toronto	Called—23 June 1955 Appointed Master, S.C.O. — 29 March 1971

Deaths

The following members have died:

Arthur N. Carter, Toronto	Called—17 June 1966 Deceased—10 June 1971
Harold B. Matchett, Grimsby	Called—18 June 1925 Deceased—17 September 1971
Harold G. Brewster, Q.C., Hamilton	Called—15 September 1949 Deceased—25 September 1971
John C. Wiens, Toronto	Called—20 January 1955 Deceased—14 October 1971
William G. Lawson, Q.C., Pickering	Called—29 June 1950 Deceased—16 October 1971
Roy C. Calder, St. Catharines (Life Member)	Called—19 May 1921 Deceased—31 October 1971
Beamer W. Hopkins, Q.C., Hamilton (Life Member)	Called—19 June 1919 Deceased—8 November 1971
John B. Allen, Q.C., Toronto (Life Member)	Called—25 May 1917 Deceased—9 November 1971
Hon. Arthur W. Roebuck, Q.C., Toronto (Life Member)	Called—25 May 1917 Deceased—17 November 1971
Merrill DesBrisay, Q.C., Toronto (Life Member)	Called—20 May 1920 Deceased—5 December 1971
John L. Stewart, Q.C., Toronto	Called—20 February 1936 Deceased—6 December 1971
Ralph J. Haffey, Q.C., Richmond Hill (Life Member)	Called—20 November 1919 Deceased—7 December 1971
Paul Leduc, Q.C., Ottawa (Life Member)	Called—20 April 1916 Deceased—17 December 1971
Arthur H. Kreiger, Q.C., Toronto	Called—21 November 1940 Deceased—20 December 1971
Helen B. Palen, Q.C., Toronto (Life Member)	Called—17 October 1918 Deceased—26 December 1971
Russell A. Whitely, Q.C., Toronto	Called—18 June 1931 Deceased—29 December 1971
David J. Nixon, Windsor	Called—21 June 1951 Deceased—30 December 1971
Alan G. Adamson, Trenton	Called—18 June 1931 Deceased—27 December 1971
W. Morley Smith Q.C., Toronto (Life Member)	Called—28 May 1917 Deceased—January, 1971

Noted

MEMBERSHIP UNDER RULE 50

The following members who are 65 years of age and have permanently retired, apply to be permitted to continue their membership in the Society under Rule 50:

James C. Adams, Q.C., 330 Spadina Rd., Apt. 1505, Toronto
David W. Boyd, Q.C., 30 Russell St. West, Smiths Falls
William K. Brown, 178 Clarence St., Port Colborne
Edmund W. Burke, R.R. 1, Orillia
William B. Common, Q.C., 2635 Lakeshore Blvd. W., Toronto
S. Parker Denovan, 27 McKenzie Avenue, Toronto
Ewart G. Dixon, Q.C., 7 Mayfair Place, Hamilton
Frank C. S. Evans, Q.C., 121 St. Georges Crescent, Goderich
J. Gerald Godsoe, 120 Kilbarry Road, Toronto
Louis S. Hyman, Q.C., Miami Beach, Fla., U.S.A.
Henry W. Kinnear, Q.C., 46 Strathearn Rd., Toronto
William C. Lewies, Q.C., R.R. 1, Morpeth, Ont.
Harold Massey, 17 Rostrevor Road, Toronto 10
Gareth E. Maybee, Q.C., 88 Cumberland Drive, Port Credit
Arthur J. Nash, 4 Ogilvie Street, Dundas
David Sher, West Palm Beach, Fla., U.S.A. (for winter months)
Harry M. Vila, 4306 Lakeshore Road, Burlington
Frederick F. Waddell, 65 Kingspark Crescent, London 73.

Approved

RESIGNATIONS

Alan C. H. Field of Cobourg applies for permission to resign his membership in the Society. His Declaration in support and copy of Notice which appeared in the edition of the Ontario Reports, 22 October 1971, are before the Committee.

Approved

Georgina Davis Frid of Dundas applies for permission to resign her membership in the Society. Her Declaration in support of her application is before the Committee.

Approved

Douglas Alan Cameron Harvey, of Winnipeg, applies for permission to resign his membership in the Society. His letter of December 15, 1971 and Declaration in support of his application are before the Committee.

Approved

Ian Gordon Milne of Toronto applies for permission to resign his membership in the Society. His letter of December

31, 1971 and Declaration in support of his application are before the Committee.

Approved

CHANGE OF NAME

Linda Marie Dvorchik appears on the rolls of the Law Society under the surname "Dvorchik", being her married name. She asks that her name be changed on the rolls to "Heyder", her maiden name. Her petition is before the Committee.

Approved

RE: COMPENSATION FUND LEVY — Keith Turner

Mr. Keith Turner is a member of this Society practising in Winnipeg with the firm of Christie, Turner, Degraves, Mackay, Settle & Kennedy. He inquires if he is liable for the Compensation Fund levy as he has had occasion to deal with Ontario matters on not more than half a dozen occasions in 1971, none of them involving trust funds.

Your Committee recommends that Mr. Turner be advised he must pay the Compensation Fund levy.

BAR ADMISSION COURSE — *Management Survey*

The growth in the Bar Admission Course and the Department of Continuing Education has necessitated a large increase in staff which has probably not gone far enough. Commitments to the students in the next two years and to Continuing Education warrant an objective study of staffing requirements and office organization, both on the administrative side and in the Printing Department. There are now 11 members in the Administrative Office and 4 in Printing. To determine whether this personnel has been effectively organized, or whether further increases are warranted, a study by a Management Consultant is necessary. Preliminary discussions as to what this entails have been conducted with Mr. Irving Nyman of Woods, Gordon & Co. It is submitted that the Law Society should engage Woods Gordon for the survey mentioned by Mr. Irving Nyman, at an estimated cost of $750 to $900.

At its meeting in November the Legal Education Committee approved the above recommendation, subject to the approval of the Finance Committee.

Noted

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE — Mr. Beament

Compensation Fund Summaries

COMPENSATION FUND
FOR THE PERIOD 1ST SEPTEMBER, 1971 TO 30TH NOVEMBER 1971

	Month of Nov. 1971	*3 Months ending 30th Nov., 1971*		
Balance on Hand, 31st August, 1971				$1,324,373.74
Receipts				
Fees—3,518 at $30.00	$105,540.00		$105,540.00	
Investment Income—				
—Gov. of Canada ..		$16,750.00		
Guar. Deposit Interest	3,302.15	6,871.98		
Bank Interest		347.33	23,969.31	
Recoveries				
—Shuttleworth		400.00		
—A. F. Blotti		4,363.56	4,763.56	134,272.87
	$108,842.15			$1,458,646.61
DISBURSEMENTS				
Grants				
—Coleman (2)		500.00		
—Parisien (1)	10,000.00	10,000.00		
—McGrath (1)	2,396.44	2,396.44	12,896.44	
Counsel Fees, Reporters, etc.	210.00		4,271.64	17,168.08
	$ 96,235.71	Balance 30/11/71		$1,441,478.53

Outstanding Claims

Claims outstanding 31st October, 1971		$2,458.125.49
Received during period—Caplan (1)		9,600.00
Dismissed during period	$18,453.00	$2,467,725.49
Paid (Amount of Original Claims)	12,396.44	30,849.44
**Claims Outstanding 30th November, 1971*		$2,436,876.05
Total Claims Paid to 30th November, 1971 (769 on account of 78 former solicitors)		$2,431,896.63

*Blotti	—$ 539,680.00
Bowman	— 293,261.54
Caplan	— 954,251.38
Harris	— 492,422.90
	$2,279,615.82

COMPENSATION FUND

FOR THE PERIOD 1ST SEPTEMBER 1971 TO 31ST DECEMBER 1971

	Month of Dec. 1971	*4 Months ending 31st Dec., 1971*		
Balance on Hand, 31st August 1971				$1,324,373.74
Receipts				
Fees—6,184 at $30.00	$79,980.00		$185,520.00	
Investment Income—				
—Gov. of Canada	—	$16,750.00		
—Guar. Deposit Interest	1,726.12	8,598.10		
—Bank Interest		347.33	25,695.43	211,215.43
Recoveries				
—Shuttleworth			400.00	
—A. F. Blotti			4,363.56	4,763.56
	$81,706			$1,540,352.73
DISBURSEMENTS				
Grants				
—Coleman (2)		500.00		
—Parisien (1)		10,000.00		
—McGrath (1)		2,396.44	12,896.44	
Counsel Fees, Reporters, etc.	991.00		5,262.64	
Annual Fees Refund	180.00		180.00	18,339.08
	$80,535.12	Balance 31/12/71		$1,522,013.65

Outstanding Claims

Claims outstanding 30th November, 1971		$2,436,876.05
Received during period—Caplan (2)	$29,050.00	
—Harris (1)	27,327.00	
—Frame (1)	1,003.83	57,380.83
**Claims Outstanding 31st December, 1971*		$2,494,256.88
Total Claims Paid to 31st December, 1971 (769 on account of 78 former solicitors)		$2,431,896.63

*Blotti —	$ 539,680.00
Bowman—	293,261.54
Caplan —	983,301.38
Harris —	519,749.90
	$2,335,992.82

THE REPORTS WERE RECEIVED

RE: COMPENSATION FUND — POLICY — Mr. Thom

Your Committee met on the 12th day of January 1972, at 2:00 o'clock in the afternoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. E. Beament (Vice-Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Carley, Cass, Cooper, Finlayson, MacKinnon, Pallett, Pattillo, Strauss, Trepanier and Wallace.

I. REPORT OF THE SUB-COMMITTEE ON THE OPERATION OF THE COMPENSATION FUND

Attached hereto as Schedule "A" is the Report of a Sub-Committee of the Discipline Committee, dated the 5th of January 1972, on the operation of the Compensation Fund.

Your Committee made certain amendments to the Sub-Committee Report and recommends that the Report as amended be adopted.

Your Committee's amendments are as follows:

Section 1: *Solicitor-Client and Debtor-Creditor Relationship*

The last sentence of this section which reads as follows: "See The Law Society Act, 1970, Section 51(5)" — was deleted.

Section 2: *Discretionary Limits on Amounts of Grants*

The Sub-Committee's recommendation in this regard was not accepted. Your Committee resolved that no change be made to the $15,000 limit per claimant, but that the $50,000 limit respecting one solicitor's defalcations be increased to $150,000.

Section 4: *Reimbursement from Bankrupt's Estate*

This section was deleted.

Section 9: *O'Brien Memorandum*

Your Committee resolved that paragraph one of the O'Brien Memorandum be revised to read as follows:

> "It must be shown that either —
>
> (a) A solicitor and client relationship existed between the claimant and the solicitor and that the loss arose out of that relationship; or
>
> (b) A creditor-debtor relationship existed between the claimant and the solicitor and the evidence clearly established that such creditor-debtor relationship would not have arisen but for a proximate or contemporaneous solicitor-client relationship."

II. DISCIPLINE PROCEDURES

The discipline procedure as approved by Convocation on December 14th, 1970, provided that the Discipline Committee, having made its decision may make recommendations to Convocation as to penalty. The practice since then has been that the solicitor, in all cases, is informed in advance of the Committee's recommendation as to penalty.

Your Committee considered whether this practice should continue, and is of the opinion that it should.

"SCHEDULE A"

REPORT OF THE SUB-COMMITTEE ON THE OPERATION OF THE COMPENSATION FUND

At the General Meeting of the Discipline Committee held on the 13th of May 1971, your sub-committee chairman was appointed a sub-committee with power to add, to investigate and report upon the operation of the Compensation Fund. It was requested that particular consideration be given to the discretionary limits of grants and the status or qualification of an applicant where the evidence indicates a debtor-creditor relationship evolving, however, from an existing or prior solicitor and client relationship.

Your sub-committee was constituted as follows: Mr. Common, Chairman, and Messrs. Levinter, Beament, Gray and Strauss; assisted by the Assistant Secretaries, Messrs. Scott and Lytle.

The sub-committee held meetings as follows: June 29th, July 14th, October 1st, and November 8th, 1971.

Your sub-committee was of the opinion that a short historical sketch of the Compensation Fund would be of assistance in demonstrating its growth and change of policy from time to time.

On the 16th of February, 1933, a Special Committee appointed by Convocation to investigate the subject of defaulting solicitors reported that a suggested insurance scheme or a scheme of guarantee or bonding would not be wise or practicable. The report was adopted by Convocation on the same date.

On the 20th of September 1951, Convocation again appointed a Special Committee to consider whether some form of insurance or compensation scheme should be adopted by the Society for the protection of members of the public against losses sustained as a result of the dishonesty of a Solicitor.

This Special Committee, in its report, recommended the establishement of a Compensation Fund to be maintained and administered by the Society in accordance with specified rules. The report was adopted by Convocation on the 15th of January 1953. In the result, The Law Society Amendment Act establishing the Compensation Fund came into force on the 2nd of April 1953, and its provisions were carried into The Law Society Act, 1970, with certain modifications. See Section 51.

1. *Solicitor-Client and Debtor-Creditor Relationship*

One of the most difficult and perplexing matters to determine is the status of an applicant who has suffered loss through the dishonesty of a former member where at the time of the loss there existed debtor-creditor relationship between the parties. If this were the only circumstance, no problem would arise and the application would properly be refused. The difficulty arises, however, where there is a debtor-creditor relationship forming the basis of the application when such a condition arises from a prior or existing solicitor-client relationship and possibly unconnected with the professional services rendered by the solicitor at any stage of the relationship.

There have been cases where even a sophisticated client, influenced by the trust he has reposed in the solicitor, has permitted himself to be placed in the position of a creditor, to his prejudice. More tragic is the case of the unsophisticated client who similarly has been persuaded to take some form of security, or who has entered into some other arrangement with the dishonest solicitor.

In a number of such cases there may be no prima facie evidence of deceit or fraud, but a close examination of the circumstances may indicate a situation from which it might reasonably be inferred that the solicitor deliberately created a debtor-creditor relationship for the purpose of escaping disciplinary action, if default occurred. Compensation would not be granted to the client in such a case.

The machinations of a deceitful solicitor are difficult to detect but some assistance may sometimes be gained from evidence of a course of conduct by similar acts on the part of the solicitor and by a close examination of all the facts and circumstances surrounding the practice of the solicitor. The greatest problems arise in what might be classified as borderline cases.

Whatever restrictions are imposed upon a member, such as insisting that the client seek independent advice in the case of a loan or an unrestricted investment programme, these are of little consequence in the case of a deceitful solicitor as the loss occurs before the facts can be ascertained at a hearing.

Your sub-committee has no ready answer, solution or meaningful recommendation in this matter, save that where there is some doubt as to the status of a claimant, special care and caution must be exercised to endeavour to determine the true position of the relative parties.

Where, however, the loss arises from a solicitor's dishonesty under a debtor-creditor relationship and the evidence clearly establishes that such debtor-creditor relationship would not have arisen but for a proximate or contemporaneous solicitor-client relationship, the loss should generally be considered to have been sustained in consequence of the dishonesty of the member in connection with his law practice. See The Law Society Act, 1970 Section 51(5).

2. *Discretionary Limits on Amounts of Grants*

In the administration of the Compensation Fund by the Society certain fundamental principles must be kept in mind. The Compensation Fund scheme originally established by Statute in 1953 at the request of the Society, is completely voluntary in character. The Society has by Statute, complete control and supervision of the plan.

The contributions to the Fund are assessed against each member, such contribution plus the annual fees, when paid, entitles a member to practice his profession.

The Law Society Act, 1970 Section 51 provides that the Society shall hold the Fund in trust for the purposes of the Section, but notwithstanding the statutory trust, the Society in a real sense is also the trustee of the Fund for each contributing member of the Society.

It cannot be over-emphasized that the Society is not an insurer in any sense for all losses sustained by the public. If it were otherwise, compulsory contributions would be prohibitive and sacrificial for a very large section of the profession — a situation never contemplated when the scheme was established. In order, therefore, to administer the Fund in an equitable manner, the Society, through Convocation, relying on the provisions of Section 51(5), has perforce determined that from practical experience, certain limitations on quantum must be imposed, where Convocation has an absolute discretion to make grants from the Compensation Fund ". . . in order to relieve or mitigate loss sustained by any person in consequence of dishonesty on the part of any member in connection with such member's law practice . . .".

The Law Society Amendment Act, 1953 contained no provision limiting the amount of grants as a result of one member's dishonesty and contained no provision limiting a grant in respect to an individual claimant.

On October 21st, 1960 Convocation approved a limitation of $25,000 per claimant. In 1965, Convocation, however, approved the present discretionary limits, namely $15,000 per claimant and an overall limitation of $50,000 respecting one solicitor's defalcations. Where the proven claims exceed $50,000 pro-rating must then be considered.

Your sub-committee points out that the discretionary limitation of $15,000 per claimant has never been exceeded, and has been informed that the $50,000 overall total has been exceeded due to exceptional circumstances in two cases only.

In the opinion of your sub-committee the present policy of the Society regarding limitations of quantum is equitable and fair in view of all the circumstances and has met, generally speaking, with public acceptance and approval.

Your sub-committee, therefore, strongly recommends that no change should be made in regard to the present limitations.

3. *Limitation of Time Within Which an Application is Made.*

Your sub-committee draws attention to the fact that neither the present Act, the Regulations nor the Rules make any provision for a time limitation within which an applicant or claimant must file his application for a grant.

Section 51(6) of the present Act provides that no grant shall be made unless notice in writing of the loss is received by the Secretary within six months after the loss came to the knowledge of the person suffering the loss or within an extended period not exceeding eighteen months allowed by Convocation.

Your Committee recommends that a time limit of three months should be established by a Rule under Section 54(14), within which an application for a grant must be filed with the Secretary after notice of loss has been filed as provided by Section 51(6) of the Act.

Your sub-committee recommends that this matter be referred to the Legislation and Rules Committee for appropriate action.

4. *Reimbursement from Bankrupt's Estate*

Considerable discussion took place on subsection 9 of Section 51 dealing with this matter. This subsection provides for reimbursement to the Society from the estate of a dishonest member who has been declared a bankrupt. Your sub-committee recommends that the Society should prove a claim against the estate in an amount paid by the Society to a claimant and that a further discretionary grant might be made to the claimant after the Society has received a final dividend from the estate depending upon the circumstances of the case. It is felt that no statutory change is required to give effect to this suggested policy.

5. *Referees*

Your sub-committee is of the view that possibly more applications for grants should be conducted by Referees. There are four referees at the present time. In advancing this view your sub-committee is aware that caution must be exercised in directing hearings before a Referee alone, which may involve difficult issues or matters of policy.

There are some important procedural matters involving Referees. Section 53(10) of The Law Society Amendment Act, 1966 provided for the appointment of Referees with delegated authority from Convocation to deal with applications for grants from the Fund. The Referee so appointed was, by the subsection, required to report his findings and recommendations to the Discipline Committee, and the Discipline Committee was authorized to act on the report of the Referee as it saw fit. If the Discipline Committee concurred in the Report a discretionary grant was made in proper cases.

The procedure authorized by the 1966 amendment has proven highly satisfactory, stream-lining applications and hearings, and relieving the Discipline Committee from lengthy hearings involving multiple non-contested claims.

Section 51(10) of The Law Society Act, 1970, however, has changed the procedure of reporting by the Referee. Where Convocation now delegates its powers to a Committee (Discipline) *or* to a Referee, the Committee or the Referee must report "as required" to Convocation whereas if the delegation is to both, the Referee shall report as "required" to the Committee. Reporting only takes place "as required".

Convocation, in November 1971, confirmed that the power delegated to a Referee under Section 51(10) of The Law Society Act, 1970, or any preceding legislation does not include the power to make grants out of the Compensation Fund. Convocation, therefore, directed that Referees hereinbefore and hereinafter appointed should report their findings and recommendations as to payment out of the Fund to the Committee. Only the Committee has power to make grants out of the Fund.

6. *Attendance of Witnesses*

Your Committee reports that there is apparently no provision for commanding the attendance of a witness or the production of documents at a hearing conducted by a Referee and no authority is given to a Referee to administer an oath.

Section 33(10) of The Law Society Act, 1970, providing for the summoning of a witness, compelling his attendance and the production of documents, applies only to disciplinary proceedings before a committee and does not include Compensation Fund proceedings conducted either by a Referee or before the Committee.

Your sub-committee recommends that this matter be referred to the Legislation and Rules Committee for appropriate action.

7. *The Hearing of Applications for Grants*

The Report of the sub-committee on Procedures did not deal specifically with procedures of the Discipline Committee or a Referee hearing applications for grants from the Fund.

The Committee hearing applications is composed, of course, of members of the Discipline Committee, three benchers constituting a quorum. Generally speaking, a Committee composed of three members functions satisfactorily, but where important and difficult Compensation Fund issues are indicated the Committee should be composed of at least five members.

Your sub-committe is of the opinion that the membership of the committee should remain constant and unchanged during all hearings dealing with applications arising from the fraudulent actions of a former member.

The rules of procedure governing the conduct of the Committee or a Referee are largely ad hoc in nature conforming to the requirements of the occasion.

The rules of evidence are not strictly adhered to due to the nature of the hearings and in this respect it is pointed out that the provisions of subsection 9 of Section 33 of the present Act making the Rules of Evidence in civil cases applicable to disciplinary hearings, do not apply to hearings of applications for grants.

These hearings are really in the nature of an inquiry. Counsel for the Society and the applicant are, of course, permitted at the hearing. Your sub-committee is of the opinion that neither a partner nor an associate of a Bencher should appear as Counsel or represent either the Society or an applicant.

Your sub-committee was informed that in a few cases where it was anticipated that there might be a large number of applicants for grants notices have been inserted in the press by the Society informing those members of the public who might qualify for a grant to apply. While this form of advertising may have some minor practical merit, your sub-committee is of the opinion that such practice is undesirable and should be discontinued.

8. *Counsel for the Society*

The recommendation of the Special Committee on the Appointment of a full-time Counsel to the Society has not been implemented. Some cases due to their complexity virtually demand the retaining of counsel by the Society in order to investigate and prepare a case properly. Your sub-committee recommends that the present policy of retaining counsel in appropriate cases be continued pending a decision regarding the appointment of full-time counsel for the Society.

9. *O'Brien Memorandum*

In the year 1966, the then Treasurer, Mr. Brendan O'Brien, prepared a memorandum containing twelve specific matters inter alia which, he suggested, should receive particular attention in determining applications for grants. This memorandum, approved by Convocation in 1967, was accepted and followed as a code or guide line by the committee and Referees hearing applications.

Your sub-committee made an in-depth study of these particular guide lines and in the light of experience, recommends that the O'Brien memorandum which follows, be revised as indicated.

(1) It must be shown that a true solicitor and client relationship existed between the claimant and the solicitor and that the loss arose out of that relationship, *except as provided by Section* 51(5) *of The Law Society Act, 1970.*

(2) There must be satisfactory proof that the money, for which claim is made, was received by the solicitor. *No change.*

(3) There should be a clear statement from the claimant as to instructions given to the solicitor respecting the use or disposition of the money. *No change.*

(4) It must be clearly shown that the solicitor dishonestly failed to carry out his instructions and that such dishonesty caused the loss. *No change.*

(5) It must be clearly established that the claimant is the person who is entitled to payment and if any other person is involved he should either join in the claim or give notice of the claim. *No change.*

(6) A claim is restricted to actual direct loss and will not include interest, costs or consequential damage flowing from the loss.

Recommended change.—

A claim is restricted to actual loss and will not include interest, costs or consequential damage flowing from the loss.

Where money supposedly invested has been misappropriated, as a general rule payments received from the solicitor after the investment should have been made, should be deducted from the claim subject to relief in special cases of hardship where the client thought he was receiving payment of interest on a valid investment. In some cases this may involve a rather complicated accounting.

(7) Where the client expects to invest in a security of doubtful value (e.g. a second mortgage) but got nothing, the claim should not exceed the approximate value of the security after it has been fairly discounted. The Society should not be in the position of underwriting doubtful investments and the claimant should be in no better position than he would have been if he had received the security that he expected. *No change.*

(8) In almost every case where the claim arises out of a debtor and creditor relationship between the claimant and the solicitor it will be disallowed. The possible exception is where the client was lacking in business experience and the solicitor obtained the loan by some deceit. *Delete*

(9) Where money supposedly invested has been misappropriated, as a general rule payments received from the solicitor after the investment should have been made, should be deducted from the claim subject to relief in special cases of hardship where the client thought he was receiving payments of interest on a valid investment. In some cases this may involve a rather complicated accounting. *Now part of paragraph number six.*

(10) Where a claim against some other party may exist which would take care of or reduce the loss, the claimant should take all reasonable steps to effect recovery from

such other source of payment before expecting payment from the Fund.

Where it is apparent that there may be salvage but that the claimant does not have the resources to pursue the claim, the Society may consider lending assistance to the claimant and in any event if the claim is paid, the Society should pursue the remedy itself under its subrogation rights.

Recommended change—

Where a claim against some other party may exist which would take care of or reduce the loss the claimant should take all reasonable steps to effect recovery from such other source of payment before expecting payment from the Fund. *Paragraph two deleted.*

(11) Where a claim arises out of circumstances that afford prima facie proof of criminal conduct on the part of the solicitor, the claimant must satisfy the committee that he has brought the matter to the attention of the proper authorities with a view to laying a criminal charge before the claim will be entertained.

Recommended change—

Where a claim arises out of circumstances that afford prima facie proof of criminal conduct on the part of the solicitor, *the Secretary or Assistant Secretary, on the instructions of the Chairman or Vice-Chairman, shall direct the claimant to report the facts to the relevant Crown Attorney for investigation. The claimant must then satisfy the committee that he has done so before the claim will be entertained.*

(12) Where the solicitor might have a claim against the client for costs, the approximate amount of the costs should be calculated and in most cases this sum will be set off against the amount payable from the Fund. *No change.*

Your sub-committee is confident that these guide lines with the suggested revisions will continue to be of assistance to the Committee or Referees hearing applications.

Conclusion

Your sub-committee is of the opinion that the compensation scheme in force in this Province functions remarkably well, in view of the number of processed applications to date, and the careful screening of applications for grants.

The members of the Discipline Committee and Referees are to be commended for the manner in which their duties are discharged in the administration of the Compensation Fund.

Your sub-committee expresses its thanks to the able assistance rendered to the sub-committee by the Assistant Secretaries, Messrs. Scott and Lytle.

All of which is respectfully submitted.

Dated this 5th day of January 1972.

"W. B. Common"
Chairman

Convocation adjourned for luncheon at 12:30 p.m.

The Treasurer unveiled a portrait of the immediate Past Treasurer, Mr. G. Arthur Martin. Q.C., painted by Mr. George Lenn.

The Treasurer and Benchers entertained as their special guests at luncheon Madam Justice Van Camp, of the Supreme Court of Ontario, and Mr. A. Rendall Dick, Q.C., Deputy Provincial Secretary for Justice.

Convocation resumed at 2:30 p.m., the following members being present: The Treasurer and Messrs. Beament, Borins, Bowlby, Carley, Cass, Common, Cory, Fennell, Grange, Gray, Henderson, Howland, Krever, Levinter, Morden, O'Brien, Pallett, Seagram, Sheard, Sopha, Steele, Thom and Trepanier.

Moved by Mr. Grange, seconded by Mr. Cory, that the limit for individual claimants against the Compensation Fund be increased to $25,000.

Carried.

THE REPORT AS AMENDED WAS ADOPTED

RE: ELLIOTT G. POSEN, TORONTO

Mr. Thom, Chairman, presented the Decision of the Discipline Committee.

The Reporter was sworn.

The Solicitor attended with his counsel, Mr. Claude R. Thomson.

The Decision of the Discipline Committee was that the Solicitor was guilty of professional misconduct in that he reported to his partners that he had made disbursements over a four year period totalling over $14,000 on behalf of various of the firm's clients, when in fact he had not, and obtained payment of such sum from the firm to himself by this misrepresentation; that he misappropriated approximately $300 from fees he had received from a client on behalf of the firm, in one case, and in another case misappropriated approximately $100, and in another case misappropriated approximately $200 from amounts received from a client on behalf of the firm.

In reporting its Decision the Committee summarized the evidence which had been presented. including evidence of good character, and of the fact that full restitution had been made. It also reported on the evidence tendered by two psychiatrists respecting the solicitor's emotional health.

Mr. Thomson made no submissions with respect to the Decision.

The Solicitor and his Counsel withdrew.

It was regularly moved and seconded that the Decision be accepted.

Carried.

The Discipline Committee recommended as to penalty that Convocation by order suspend the rights and privileges of the Solicitor as a member of the Law Society for a period of two years on condition that he give to Convocation the following undertakings:

1. that he continue with his present psychiatric treatment until such time as Dr. Theohar is of the opinion that further treatment is unnecessary;
2. that he submit himself to such other treatment as Dr. Theohar may prescribe from time to time;
3. that he instruct Dr. Theohar to forthwith notify the Society in the event that treatment is discontinued for any reason;
4. that he instruct Dr. Theohar to forthwith notify the Society in the event that Dr. Theohar is of the opinion that the Solicitor is not responding to treatment.

Your Committee also recommends that Convocation order the Solicitor to pay the expenses of the Society's investigation of his affairs and of the hearing.

It was moved and seconded that Convocation by Order disbar Elliott G. Posen and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was further moved and seconded that the Solicitor be reprimanded and required to pay the costs of the Society's investigation.

It was also moved and seconded that the recommendation of the Discipline Committee be adopted, except that at the end of the two year period of suspension the Solicitor be required to present a satisfactory medical report from Dr. Theohar or any other psychiatrist acceptable to the Society.

The Solicitor and his Counsel returned and were advised of the three motions before Convocation.

Mr. Thomson submitted that a motion to disbar could not properly be considerd by Convocation in the light of the evidence given to the Discipline Committee by the psychiatrist, which evidence Convocation had not heard.

The Solicitor and his Counsel withdrew.

Convocation considered Counsel's submissions, but did not accept them.

The Solicitor and his Counsel returned and were advised that the preliminary objections made by Mr. Thomson were not sustained.

Mr. Thomson made submissions as to penalty and asked that the Solicitor be allowed to be reinstated earlier than two years if a satisfactory certificate of a psychiatrist is submitted.

The Solicitor spoke briefly to Convocation.

The Solicitor and his Counsel withdrew.

The motion to disbar the Solicitor was lost.

Convocation adopted the third motion, that is to say, that upon the Solicitor giving the undertakings hereinafter set forth Convocation by Order suspend his rights and privileges as a member of the Society for two years from the 21st of January, 1972 and require him to pay the costs of the Society's investigation. The Solicitor and his Counsel returned and gave the following undertakings:

That he will continue with psychiatric treatment until Dr. Theohar or another psychiatrist, acceptable to the Society, is of the opinion that further treatment is unnecessary and that he will submit himself to such other treatment as may be prescribed from time to time and instruct his psychiatrist to notify the Society forthwith if treatment should be discontinued or if the solicitor is no longer responding to treatment; and at the termination of his suspension submit to the Society a medical report from Dr. Theohar or another psychiatrist acceptable to the Society.

ORDER

The Secretary presented the following Order which is entered on the Minutes of Convocation:

RE: FRANCIS L. O'DONNELL, Toronto
THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF *Francis L. O'Donnell*, of the City of Toronto. a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated 4th October 1971, wherein the Solicitor was found guilty of professional misconduct and having heard such additional evidence as was adduced, and having heard Counsel aforesaid:

CONVOCATION HEREBY ORDERS that the said FRANCIS L. O'DONNELL be reprimanded in Convocation;

CONVOCATION FURTHER ORDERS that the said FRANCIS L. O'DONNELL pay $1,600 of the expenses of the Society's investigation of his professional affairs and of the hearing.

DATED this 19th day of November, 1971.

"Sydney L. Robins"
Treasurer

(SEAL)

"Kenneth Jarvis"
Secretary

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 8th day of December, 1971, the following members being present: Mr. Thomas Callon, Chairman, and Messrs. Bowlby, Cass, Common, FitzGerald, Gray, Lochead, Morden, O'Driscoll, Poole, Trepanier and Wallace. Frank F. Shunock, Solicitor, attended by invitation.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of October, 1971.

The Director's report for the 7 month period ended October 31, 1971 indicates a net expenditure of $145,000 less than had been anticipated.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 7 months ended October 31, 1971.

The number of persons applying at Legal Aid offices across the Province during the 7 months ended October 31, 1971 shows an increase of 8,930 over the corresponding period in 1970. The figure is broken down into a 19% increase in informal applications and an 11.5% increase in Forms 2 received. Of all formal applications received 26% were subsequently refused by area directors. This rate of refusal is double that of the corresponding period in 1970. During the period under review there were 591 appeals to Area Committees from the decisions of area directors compared with 326 in 1970.

Total certificates of eligibility issued during the 7 month period show a marginal increase of 419 when compared with the corresponding period in 1970. Civil certificates issued have decreased by 6% while there is an 8.7% increase in the number of criminal certificates issued.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended November 30th, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of November, 1971.

DISCIPLINE

Re: *Frank F. Shunock, Solicitor, Saulte Ste. Marie Application to be reinstated under Section 29(5) of the Regulation.*

In October, 1971 Mr. Shunock applied to be reinstated to the Legal Aid Panels.

The Committee at this time instructed the Director to obtain certain information.

Frank F. Shunock, Solicitor, has been off the Legal Aid Panels for approximately 16 months.

Mr. Shunock asked if he could appear before the Committee at its December, 1971 meeting.

After a discussion of the solicitor's application for reinstatement to the Legal Aid Panels, your Committee is now satisfied that the solicitor will perform his duties in accordance with legal aid requirements and moved that the solicitor be reinstated to the Legal Aid Panels effective January 22nd, 1972.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

(a) *Amendments to the Legal Aid Regulation with respect to Tariffs*

Amendments to the Legal Aid Tariffs as drafted by the Legislative Counsel, on the recommendation of the Sub-Committee, were brought before the Committee at its November meeting.

The Committee made certain alterations.

The revised amendments were approved by your Committee.

(b) *Criminal Lawyers Association*

Your Committee considered the request of Hugh R. Locke, Q.C., President, Criminal Lawyers Association, addressed to the Treasurer, to make representation to the Legal Aid Committee with respect to the proposed amendments to the Legal Aid Tariffs.

The Committee moved that Hugh R. Locke, Q.C., President, Criminal Lawyers Association, be invited to appear before the full Committee at its regular meeting on Wednesday, January 12th, 1972.

(c) *Reappointment of Sub-Committee on Tariffs*

Your Committee moved that the existing sub-committee appointed to review the Legal Aid Tariffs be reappointed for an indefinite term, with power to add.

STATUTORY POWERS PROCEDURE ACT OF 1971

Recently an Act was passed which affects the rights of an individual appearing before Statutory Tribunals and Boards. The Act provides that the individual has the right to counsel and also provides that certain information must be made available; certain notices and time limits are specified which may require revision to the Legal Aid Act and Regulation if the Act is applicable to the Legal Aid legislation.

Your Committee moved that Robert F. Reid, Q.C., be retained to give an opinion with respect to this matter.

COMMUNITY LEGAL SERVICES

L. S. Fairbairn, Assistant Provincial Director, submitted a report to the Committee on various matters pertaining to Community Legal Services.

APPOINTMENT OF CHAIRMAN AND SUB-CHAIRMEN THE LEGAL AID COMMITTEE

Your Committee unanimously recommended that John D. Bowlby, Q.C., be appointed Chairman of the Legal Aid Committee, and that P. S. FitzGerald, Q.C. and George Wallace, Q.C. be appointed Vice-Chairmen of the Legal Aid Committee.

SUB-COMMITTEE RE JUNIOR AND SENIOR COUNSEL AND MATTERS PERTAINING TO SECTION 85 OF THE REGULATION

John J. O'Driscoll, Q.C., Chairman of the Sub-Committee appointed to study the retaining of junior and senior counsel and matters pertaining to Section 85 of the Regulation submitted a report. The report contained recommendations for amendment to Section 85 of the Regulation.

Your Committee agreed in principle with the suggested amendments and referred the matter to G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation.

Your Committee met on Wednesday, the 12th day of January, 1972, the following members being present: Mr. John D. Bowlby, Chairman, and Messrs. Beament, Cass, FitzGerald, Killeen, Levinter, Lochead, Morden, Poole, Trepanier and Wallace.

Hugh R. Locke, Q.C., President of the Criminal Lawyers Association, Martin Kerbel, Solicitor, Treasurer of the Association, and Arthur Whealy, Solicitor, an Association member, attended by invitation.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of November, 1971.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 8 months ended November, 1971.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for 3 months ended December, 1971.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of December, 1971.

LIMITATION OF CERTIFICATES (75 Criminal)

At its November, 1971 meeting your Committee re-reviewed the policy of limiting to 75 the number of criminal certificates which a lawyer can accept in a legal aid fiscal year. The Committee recommended, and Convocation approved, the following:

(a) That the policy of limiting the number of criminal certificates to 75 which a solicitor may accept in a legal aid fiscal year be continued.

(b) That the Director be given discretion to waive the limitation and permit an increase to 125, subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee, if the Director refuses the request.

(c) That any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

A London solicitor appeared before the Committee requesting an increase in excess of 125 certificates.

After hearing the solicitor your Committee moved that he be permitted a further 25 certificates to the end of the fiscal year, March 31st, 1972, making a total of 150 criminal certificates.

CRIMINAL LAWYERS ASSOCIATION

At the invitation of the Committee, Hugh R. Locke, Q.C., President of the Criminal Lawyers Association, appeared before the Committee to submit the Association's brief on the legal aid tariff amendments which the Committee had recommended and Convocation approved. Martin Kerbel, Solicitor, and Arthur Whealy, Solicitor, also attended.

After discussing various points in the brief, the Chairman advised Messrs. Locke, Kerbel and Whealy that the brief would receive full consideration.

It was moved that the Association's brief be referred to the Sub-Committee Appointed to Review the Legal Aid Tariffs with the request that the Sub-Committee report back to your Committee.

It was further moved that a copy of the brief be forwarded to G. Arthur Martin, Q.C. for his comments with the request that he attend the Committee's February meeting when the Sub-Committee's report will be discussed.

APPOINTMENT OF A SUB-COMMITTEE TO REVIEW SOLICITORS' LEGAL AID ACCOUNTS OVER $5,000.

The Chairman recommended to the Committee that a Sub-Committee be appointed to review solicitors' legal aid accounts over $5,000; the Sub-Committee to meet at least once a week depending on the number of solicitors' accounts which require review. A quorum of this sub-committee will consist of three members.

It was moved that the following be appointed to the Sub-Committee: John Bowlby, Q.C.; G. E. Wallace, Q.C.; Austin Cooper, Q.C.; G. H. Lochead, Q.C.; J. W. Morden, Solicitor; Peter deC. Cory, Q.C.; W. D. Griffiths, Q.C.

MEETING IN OTTAWA, FRIDAY, DECEMBER 10TH, 1971 ADMINISTRATORS OF THE PLAN WITH FEDERAL MINISTER OF JUSTICE AND FEDERAL MINISTER OF HEALTH & WELFARE

The Director reported to the Committee with respect to a meeting in Ottawa on December 10th, 1971 between the Administrators of the Plan and the Minister of Justice and Minister of Health and Welfare.

MEETING WITH PROVINCIAL MINISTER OF JUSTICE, DECEMBER 21ST, 1971

The Chairman reported with respect to a meeting on December 21st, 1971 at which he, accompanied by Messrs. FitzGerald (Vice-Chairman), Lawson and Fairbairn, met with the Attorney General and Messrs. O'Connor (Executive Counsel) and Dick (Deputy Attorney General).

SUB-COMMITTEE RE JUNIOR AND SENIOR COUNSEL AND MATTERS PERTAINING TO SECTION 85 OF THE REGULATION

At the December meeting the Committee approved a report of the Sub-Committee appointed to study the retaining of junior and senior counsel and matters pertaining to Section 85 of the Regulation. The report contained suggested amendments to the Act and Regulation which were referred to G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation.

Mr. Beament submitted his comments on the Sub-Committee's recommended amendments and, as a result, your Committee referred back to the said Sub-Committee its report for further review.

AREA DIRECTORS' MEETING February 18th and 19th, 1972

The Law Society of Upper Canada is sponsoring through the Continuing Legal Education Series, a course on Poverty Law. Due to the involvement of Area Directors in poverty law, the Director has called an Area Directors' meeting for Friday, February 18th and Saturday, February 19th, 1972.

SELECTION OF A LAWYER UNDER THE LEGAL AID PLAN

L. S. Fairbairn, Assistant Provincial Director, in his review and discussions with advocates of the neighbourhood legal services programmes, noted that one of the criticisms of the Legal Aid Plan is that the applicant often is unable to make a meaningful choice of counsel from the existing panels. It should be noted that over 900 lawyers are listed on the criminal panels in York County.

This criticism lends new emphasis to the importance of a memorandum which was discussed with the Presidents and representatives of the County Law Associations on November 7th, 1969. G. Arthur Martin, Q.C. proposed a sub-division of legal aid panels and the presidents generally agreed that the Law Society should proceed along the lines suggested by Mr. Martin.

Your Committee reviewed the Martin recommendations and moved that a Sub-Committee be appointed to review the composition of the civil and criminal legal aid panels, considering the various aspects of the practice of law, and make recommendations with respect to the composition of these panels to ensure that the solicitors whose names appear on such panels are competent to discharge their duties.

The Sub-Committee will consist of the following members: Messrs. Estey, Cooper, Morden and Trepanier.

UNCONTESTED DIVORCE ACTIONS

On November 8th, 1971 the Attorney General wrote the Treasurer of the Law Society expressing concern as to the disposition of uncontested divorce actions under the Legal Aid Plan.

In the course of a meeting on December 21st, the Attorney General expressed concern to the Chairman about the cost of uncontested divorce actions.

The Chairman advised the Attorney General that he would recommend the appointment of a Sub-Committee to review the disposition of uncontested divorce actions under the Legal Aid Plan and report back.

The Sub-Committee will consist of the following members: W. R. Poole, Q.C.; R. W. Cass. Q.C.; Gordon P. Killeen, Solicitor; Peter deC. Cory, Q.C.

The Sub-Committee has been requested to meet with Chief Justice Wells, if necessary.

APPLICABILITY OF SECTION 54 OF THE FINANCIAL ADMINISTRATION ACT TO A SOLICITOR'S FEE PAID UNDER THE LEGAL AID PLAN

The Department of Treasury and Economics by letter dated November 2nd, 1971 requested that in accordance with Section 54 of the Financial Administration Act, the Legal Aid Plan set-off from monies owed to those solicitors acting under legal aid certificates, the sum owing to the Province under the Student Loan Act.

The question then arose whether the Law Society as Administrator of the Legal Aid Plan was a Crown Agent within the meaning of Section 54 of the Financial Administration Act. A Crown Agent is interpreted in the Crown Agency Act, which Act is administered by the Department of the Attorney-General.

An opinion was requested from the Deputy Attorney General on the Law Society's obligation under Section 54 of the Financial Administration Act. The opinion given by G. Stoodley, Counsel, dated January 3, 1972 indicates that Section 54 of the Financial Administration Act does not apply to the Law Society as Administrator of the Ontario Legal Aid Plan.

APPOINTMENT OF A PROVINCIAL APPEALS DIRECTOR TO SUPERVISE APPEALS SUBMITTED TO AREA COMMITTEES UNDER SECTION 14 OF THE LEGAL AID ACT.

In April, 1971 Convocation approved in principle, the appointment of a Provincial Appeals Director to supervise criminal appeals submitted to Area Committees under Section 14 of the Legal Aid Act. Chief Justice Gale was concerned by the delays in processing such appeals, including the delay of an Area Committee to obtain transcripts, the delay of an Area Committee to obtain the Trial Judge's Report, the delay of an Area Committee to obtain an opinion from the solicitor at trial and the delay caused by a prisoner being transferred from one institution to another.

The Director has now requested the Committee's authorization to proceed in confirming the appointment and assessing its reponisibilities at a salary to be negotiated with the Director and the Chairman.

APPOINTMENT TO THE LEGAL AID COMMITTEE

The Chairman recommends the appointment of A. W. Maloney, Q.C., Thunder Bay, as a non-bencher member of the Legal Aid Committee.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

York County

Sheila Arthurs, Community Guardian Company
William Bassel, Solicitor
Kay Livingston, Chairman, Coordinating Committee of the Black Community
Professor Frederick Zemans
Pierre Genest, Q.C.

Halton County

Ronald F. Coupland, Executive Director, Oakville Family Service Bureau
W. Robert Lawson, Agency Supervisor, Peel Mutual Fire Insurance Company, Brampton.

Thunder Bay

Jack Stokes, MPP, Schreiber, Ontario
John W. Erickson, Solicitor, Thunder Bay

Stormont, Dundas & Glengarry

Paul Rouleau, Solicitor, Cornwall
Bernard Shields, Solicitor, Cornwall

The following *resignations* were noted:

Halton County

Paul deNew
P. C. Armstrong.

Thunder Bay

F. T. Delgaty
Bernard Shaffer, Q.C.
T. P. Callon, Q.C.

Stormont, Dundas & Glengarry

Geo. A. Stiles

York County

J. G. J. O'Driscoll, Q.C.

Essex County

John Holland
Charles Hickey

THE REPORTS WERE ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Cory

Your Committee met on the 13th day of January, 1972 at 10:00 o'clock in the morning, the following members being present: Mr. Nathan Strauss, Chairman, and Messrs. Bowlby, Cory, Estey, Fennell, FitzGerald, Krever, Lochead, MacKinnon, Morden, Pallett, Thom and White.

1. RULING 3—TOUTING, ADVERTISING AND SOLICITING

Your Committee was consulted by a lawyer who was approached by an automobile club, as to whether he would be interested in providing legal services to the club's members in his area. The member in need of legal assistance has, according to the club, the right to select his own counsel. In many cases, however, it was found that members are obliged to appear in court some distance from their home towns and are not familiar with lawyers residing there. Upon a member advising the club that such is the case, the club supplies to him the names of various firms whom he may contact. The lawyer was further informed of a schedule of fees for various offences. Apparently, the club will also defend, in some instances, members who have had charges laid against them under the Criminal Code. The lawyer, in writing to the Society, asked for a ruling as to whether he would be in breach of any of the Society's rules if he were to act under the terms aforementioned. Your Committee instructed the Secretary to advise in its opinion that if the lawyer were to become involved in the scheme as proposed, he would be contravening Ruling 3 of the Rules of Professional Conduct, he having permitted himself to be added to a restricted list of lawyers to whom business would be directed.

The Committee was of the opinion that there would be no objection if all the lawyers in a community were asked if they wanted to be on the automobile club list and those who so indicated, were placed thereon. A club member requiring legal assistance would then be advised of the full list, without a specific lawyer being designated; such a list would be amended annually by an opportunity being given to lawyers upon being called to the Bar, who commenced practice or who opened an office there, to have their names added to the list.

2. RULING 7—SOLICITORS' UNDERTAKING

A lawyer has asked whether Ruling 7, concerning undertakings could be extended to bind solicitors for undertakings given by their employees. Your Committee is of the opinion that an undertaking given by an employee is of the same effect as that given by his, or her principal and instructed the Secretary to so advise.

3. Ruling 9—Disbarred Persons

Your Committee was asked to consider Ruling 9, which reads as follows:

> "No member of The Law Society of Upper Canada shall retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who has been disbarred or struck off the Rolls in Ontario or elsewhere and who has not yet been reinstated."

Both in the light of changes in terminology as occasioned by the passing of The Law Society Act, 1970 as well as the confusion that has occasionally occurred on the part of some people who have been permitted to resign as a result of disciplinary action, as to whether the rule was applicable to them, it is suggested that the Ruling be amended to read as follows:

> "No member of The Law Society of Upper Canada shall retain, occupy office space with, use the services of or employ in any capacity having to do with the practice of law any person who in Ontario, or elsewhere, has been disbarred and struck off the Rolls, or has been suspended, or has been involved in disciplinary action and has been permitted to resign as a result thereof, and who has not yet been re-admitted."

4. Ruling 10—Signs and Letterheads

A lawyer recently called to the Bar in Ontario is also a member of the Bar in a far eastern country and is presently practising in that country. It is his intention, so your Committee was advised, to emigrate eventually to Ontario and practise law here. In the interim, he wishes to become associated with an Ontario solicitor in the practice of law here. The solicitor asks if there is any objection to such lawyer's name appearing on his letterhead as an associate. Your Committee is of the opinion that under the present ruling this is not objectionable.

5. Miscellaneous

(a) A Toronto lawyer advises that his firm has been requested by a single retiring practitioner to take over his practice. The practitioner suggested that the remuneration to be paid by the firm for the practice would be an amount equal to 30% of the fees billed to his clients within the first five years subsequent to the retirement of the practitioner. The lawyer asks if there is any problem in entering into such an arrangement. Your Committee instructed the Secretary to advise that as described, the arrangement is not objectionable.

(b) A Toronto lawyer has been approached by a collection agency to do collection work on a straight contingency basis. The lawyer would put up all the money for disbursements. If any money were collected, the lawyer would take off a certain percentage and forward the balance to the agency. In addition, the lawyer would keep any taxed costs recovered from the debtor. If no monies were collected the lawyer would not bill the agency for either fees or disbursements. The lawyer has asked for an opinion as to this arrangement. Your Committee has instructed the Secretary to advise the lawyer that in its opinion, the arrangement is objectionable and suggests that the lawyer consider the provisions of The Solicitors Act and particularly Section 30, which reads as follows:

> "Nothing in sections 18 and 35 gives validity to a purchase by a solicitor of the interest or any part of the interest of his client in any action or other contentious proceeding to be brought or maintained, or gives validity to an agreement by which a solicitor retained or employed to prosecute an action or proceeding stipulates for payment only in the event of success in the action or proceeding, or where the amount to be paid to him is a percentage of the amount or value of the property recovered or preserved or otherwise determinable by such amount or value or dependent upon the result of the action or proceeding."

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th day of January, 1972, the following members being present: Messrs. Steele (Chairman), H. E. Harris, Borins, Cass, Cassels, Grange, Krever and Wallace, and Miss R. McCormick.

Great Library

	Books	*Sundries*	*Salaries*
Estimates	$30,000.00	$5,500.00	$126,636.00
Expenditures	9,289.77	1,215.95	39,916.20

Special Account

Estimates	22,159.70	
Expenditures	Nil	

Bar Admission Course Library

	Books	*Salaries*
Estimates	20,000.00	12,127.00
Expenditures	5,640.81	3,254.98

Approved

GIFTS AND DONATIONS

Mr. Charles Adler, Q.C., has donated 101 bound volumes comprising 53 volumes of texts and 48 volumes of reports and digests.

Noted

BOOK LIST

A list of books which have been ordered for the Great Library was approved.

Approved

ONTARIO REPORTS: SUMMARIES OF JUDGMENTS

Your Committee recommends that the introductory wording which appears before the summaries in the weekly issues of the Ontario Reports be amended to read as follows:

> SUMMARIES OF REASONS FOR JUDGMENT
>
> The following are *summaries* of all written and recorded oral reasons for judgment released by the Court of Appeal during the week ending . . . . .
>
> These summaries are unofficial, and reference should be made to the reasons for judgment as reported in the Ontario Reports or on file with the Law Society.
>
> The summaries are prepared by the Court of Appeal Law Clerk and are published for the assistance of the profession with the kind permission of the Judges' Library Committee.

SUMMARIES OF REASONS FOR JUDGMENT
RELEASED BY THE COURT OF APPEAL
WEEK ENDING . . . . .

This amendment has been requested by the Judges' Library Committee.

THE BAIL REFORM ACT

Your Committee had before it a letter from Mr. A. R. Dick, Q.C., Deputy Minister of Justice, Ontario, requesting the Society to give consideration to advising its members of a table of concordance as it relates to The Bail Reform Act, S.C., 1970-71. Your Committee recommends that this table be published in the Ontario Reports on perforated pages.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th day of January, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, Fennell, FitzGerald, Pallett, Steele, Trepanier and White.

1. A file concerning a non-solicitor acting on real estate transactions was referred to Counsel for investigation and opinion.

2. Your Committee's investigation of divorce companies is continuing. Counsel have now been retained in Ottawa, London and Toronto to investigate, and your Committee had interim reports before it from each Counsel.

3. Your Committee wishes to obtain the opinion of Convocations as to the Committee's use of an "agent provocateur" in obtaining evidence of unauthorized practice. In some cases, your Committee finds it difficult, if not impossible, to obtain evidence of unauthorized practice without using such a person.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Mr. Sheard, Chairman, presented the Report of the Special Committee on J. Shirley Denison Bequest:

Your Committee met on the 13th of January, 1972, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass, Cassels, Morden and Pepper.

Your Committee considered two applications for assistance. In one instance it recommended that a member of the Committee interview the applicant to ascertain what long-term assistance would be appropriate; in another recommended payment of a grant of $1,000.

THE REPORT WAS ADOPTED

LAW SOCIETY COUNCIL

Mr. Gray presented the Report of the Law Society Council:

LAW SOCIETY COUNCIL
REPORT
TO THE LIEUTENANT-GOVERNOR-IN-COUNCIL
AND TO
THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

The Law Society Council met at Osgoode Hall on November 12th, 1971 beginning at 10 a.m. The following were present:

H. C. Adams, Professor Harry Arthurs, John Bassett, Chairman, G. E. Beament, J. Donald Bell, Wm. W. Bradley, J. Reid Campbell, T. A. Cline, L. P. Compton, F. J. L. Evans, S. E. Fennell, J. R. Finley, J. R. Maurice Gautreau, J. P. Giffen, George C. Glover, E. A. Goodman, H. E. Harris, G. F. Henderson, Murray J. Hennessey, Professor H. A. Hubbard, David Jack, Kenneth Jarvis, Secretary, Andrew M. Lawson, David H. Logan, Steven W. Lukinuk, James C. MacDonald, R. M. MacFarlane, B. J. MacKinnon, A. E. M. Maloney, Alan T. Marshall, Andrew H. McTavish, Professor Alan W. Mewett, Allan C. Millward, M. J. Moriarity. Samuel H. Murphy, R. J. Myers, A. S. Pattillo, Walter H. Prince, Sydney L. Robins, Karl M. Sepkowski, Professor Ian Soberman, R. D. Steele, R. A. Stradiotto, Nathan Strauss, Peter R. Sturdy, H. S. Taggart, M. Tesluk, Stuart Thom, R. Thompson, C. Van Laughton.

1. *Structure of the Law Society Council*

At the request of the Chairman the Secretary, Kenneth Jarvis, Q.C. reviewed briefly the history of the Law Society Council and referred to earlier meetings of a somewhat similar nature that the Society had convened with representatives of the County and District Law Associations for the purpose of discussing matters of general importance to the profession. He traced the increase in communications over the past ten years between the Governing Body and its own members, among the members themselves and between the profession and the public, including publication of an annual report on the Society's activities, the advent of the Law Society Gazette, the freer flow of information through the Press and other news media and the recently adopted plan to release news of the Benchers' proceedings immediately after each Convocation. He said that the Law Society Council was an important step in this general development and that its role should be to open a window upon the great issues affecting the profession and to provide a forum for the expression of views which would be of great interest to the Lieutenant-Governor-in-Council and assistance to the Governing Body in the discharge of its responsibility.

The members of the Council had been asked to write their views of the structure the Council should assume and how it should accomplish its aims. Mr. Jarvis summarized the replies which included suggestions that the Council is at present too large and unwieldy and that the turnover in membership is too quick to provide adequate continuity. A number suggested that the Law Society Council should in general return to the function earlier performed by the meetings of County and District Law Association representatives with representatives of the Society. Mr. Jarvis said that the Council's first need was useful and constructive work to do and to this end a continuing flow of written information to the Council members so that they would be aware of the work of the Society and of matters generally affecting the profession and have an opportunity to suggest matters they consider to be of importance for discussion by the Council. In this way it would be possible for the Steering Committee to compose an agenda and to arrange for some member to be responsible for introducing the topic and leading discussion. He suggested that two compulsory meetings per year were probably unnecessary and that one would be enough provided that additional meetings could be arranged as needed.

In the discussion which followed it appeared that the meeting generally favoured continuing for the present without seeking any formal change in structure and that specific matters of importance should be brought before it for discussion.

It was moved by Mr. Fennell, seconded by Mr. Strauss that the matter of the structure of the Law Society Council be left with the Steering Committee with wide powers.

Carried

2. *Solicitors' Liability Insurance*

Mr. Sydney Robins, Q.C., the Treasurer of the Society, reviewed the arrangements the Society had made with the Guardian Insurance Company of Canada for each practising member of the Society to have $100,000 Errors and Omissions coverage subject to a $2,000 deductible at a cost of $110, of which $89.50 was paid as premium, $4.50 was paid for brokers' fees, $7.00 for adjustment of claims and $9.00 into a reserve fund. He also reviewed the loss experience. He advised the meeting that the Society had been notified by Guardian that it did not intend to renew its contract beyond its expiry date of December 31, 1971. He reported that a new Special Committee had been formed to consider the matter and to recommend what arrangements should be made so that the members of the profession would continue to have insurance coverage. He reported that the Special Committee had already completed tentative arrangements with new insurers to provide similar coverage at no increase in cost for a three-year period, the premium for the second and third years to be subject to negotiation between the parties.

Mr. Robins described briefly the experience of the Law Society of British Columbia where insurance is provided by a scheme of partial self-insurance. A general discussion of the insurance arrangements followed during which the Treasurer said that the Society viewed the Errors and Omissions insurance arrangements as protection for the public, at least to the extent of $100,000 and that this justified the compulsory nature of the Plan.

3. *Legal Aid*

The Chairman introduced Mr. Lyle Fairbairn, a member of the Bar who has been appointed by the Law Society to assist it and the Ontario Legal Aid Plan with their deliberations concerning the practical relevance and application of community legal service programmes within the framework of the Ontario Legal Aid Plan. Mr. Fairbairn pointed out that the neighbourhood legal services programmes operating in the United States under the office of Economic Opportunity have a considerably broader political mandate than any legal aid scheme in Canada. He said that Poverty Law was born in the United States and developed under the "Economic and Opportunity Act" which was passed in 1964 under a political programme called "The War on Poverty".

Mr. Fairbairn noted that false issues had been created by some devotees of the United States legal services programme—an issue which suggests, quite improperly, that community legal services programmes and plans like the Ontario Legal Aid programme are somehow, of necessity, incompatible and competitive. The American experience, viewed in perspective. can be most helpful in developing techniques in reaching the poor.

The Ontario Plan is at a point of new initiative in the area which involves questions pertaining to the mode of delivering certain kinds of legal services, professional introspection concerning legal traditions and ethics, the role of the lawyer in a bureaucratic society and questions of political mandate. The Ontario Plan has been providing legal representation in the adjudicative process. However, the Plan has recently turned its attention from this adjudicative process in recognition of the fact that many of the problems of the poor never reach the court room doors. Community legal aid centres have been established in ten centres in Toronto and five in Ottawa. The Plan has no continuing commitments either as to location or the ultimate form which a community legal services project may take in this Province. The Law Society recognizes the heavy responsibility to the public who, in the final analysis, pays for the Legal Aid programme. Accordingly, the Plan is obliged to resist irresponsible urgings for a store-front law office on every corner until any unmet legal need is properly characterized and assessed, and responsive local programmes designed to meet such need as may be perceived through this ongoing process of selective experimentation.

From the discussion which followed it appeared that there is a need for public education to clarify a false issue which has been raised by discussions in the Press and elsewhere of what is called "Poverty Law" which give an impression that some plan exists to compete with the Ontario Legal Aid Plan. The universities are primarily concerned with teaching and not with providing legal services which is the function of the Ontario Legal Aid Plan. The Plan, of course, provides for student Legal Aid Societies to handle minor cases referred from an Area Director's office. Normally the people referred do not for one reason or another qualify for formal Legal Aid but could usefully be served by a law student under proper supervision. In fact, there is no competing system and the Law Society, both through the Legal Aid Plan and through its Continuing Education series, is studying social benefits, law and the remedies available under the existing Statutes.

4. *New Business*

The question was raised whether the proposed Competition Act, Bill C-256, should be discussed by the Council and it was concluded that the Steering Committee would decide before the next meeting whether the matter should be placed on the agenda.

Reference was made to the Council's Report of the 23rd of June, 1971 in which it was recommended that the Department of University Affairs allocate $50,000 to the Special Committee on Legal Education of the Law Society. The Chairman reported that there had been no response whatsoever to the recommendation and suggested that a small committee representing the Council seek to interview the Minister of University Affairs.

The meeting adjourned at 12:50 p.m.

All of which is respectfully submitted.

Dated this 12th day of November, 1971.

"John Bassett"
Chairman

THE REPORT WAS RECEIVED

ANNUAL MEETING

Moved by Mr. Gray, seconded by Mr. Thom, that the Annual Meeting of the Law Society be held in the Canadian Room, Royal York Hotel, Toronto, on Saturday, February 5th, 1972 at 2 o'clock in the afternoon.

Carried

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 18th day of February 1972.

"Sydney L. Robins"
Treasurer

THE PROPERTY OF
THE LAW SOCIETY

MINUTES OF CONVOCATION

Friday, February 18th, 1972
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cassels, Chappell, Common, Cooper, Cory, Dubin, Estey, Fennell, Finlayson, Goodman, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lochead, Maloney, Morden, MacKinnon, McLaughlin, O'Brien, Pallett, Seagram, Sheard, Sopha, Steele, Strauss, Thom, Trepanier, White, R. F. Wilson, and Zahoruk.

The Minutes of the Special Convocation of January 20th, and of Convocation of January 21st, 1972 were read and confirmed.

The Treasurer announced that there will be a Special Convocation on Friday, March 24th, 1972 for the Call to the Bar in O'Keefe Centre, and that the Honourable Otto Emil Lang, Minister of Justice and Attorney General for Canada, will be Called to the Bar of Ontario, and will address the assemblage.

COMMITTEE MEMBERSHIP

The following Committee appointments were announced by the Treasurer:

To the Special Committee on Specialization in the Practice of Law — Mr. Cooper.

To the Special Committee on Incorporation of Law Practices — Messrs. Grange, Seagram and Zahoruk.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thurdsay, the 10th day of February, 1972 at 3:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman, and Messrs. Carley, Cass, Cory, Finlayson, Grange, Gray, Henderson, Howland, Krever, Morden, Sopha, Thom and White.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Woods Gordon Management Survey: Further to the information contained in paragraph 16 of the report letter dated the 7th of January, we advise that the report in this survey has been prepared and a copy is attached. We respectfully request that the report be received by your Committee.

Received

Bar Admission Course Faculty Appointments:

It is recommended that the following appointments be approved for the 1971-72 teaching term of the Bar Admission Course:

(a) *Section on Criminal Procedure*

J. W. Austin
B. C. Bynoe, Q.C.
Ian Cartwright
A. M. Cooper, Q.C.
J. D. Crane
B. M. Haines
Monte Harris
D. R. H. Heather
Stanton Hogg
J. A. Hoolihan, Q.C.
W. E. MacDonald, Q.C.
W. D. Mackie
Morris Manning
N. D. McRae, Q.C.
R. G. Murray
C. M. Powell
R. E. Salhany
E. L. Schofield
M. H. Siegal
R. G. Thomas
Arthur Whealy

Stand-by Instructors:

E. L. Greenspan
R. M. McLeod

(b) *Section on Landlord & Tenant*:

P. A. Adams
Mrs. M. L. Caswell
K. J. C. Dean
J. K. Doran
L. Fine
D. G. Friend
R. W. Gardner
Miss Lorraine Gotlib
C. C. Johnston
W. L. McAuley
D. J. McRae
B. L. Remus
D. E. Rickerd
A. J. Shaul, Q.C.
A. A. Strauss
R. J. Swayze
C. E. Walden
P. H. G. Walker, Q.C.
Peter White, Jr.
R. L. Woods

Stand-by Instructors

D. A. Allport
John Freyseng
W. W. Markle
M. J. Mowbray
W. R. Stevenson
C. F. Winer

Report of Board of Review for Sections on Corporate and Commercial Law and Section on Family Law:

Reports of the Board for these Sections will be filed at the meeting for receipt of your Committee.

Received

Costing of Continuing Education Programme on Bail Reform Act:

This programme was conducted on the 29th of January and a statement showing a breakdown of the costs is respectfully submitted for receipt of your Committee.

Received

Costing of Special Lecture Series:

A memorandum showing the contents of this programme and a statement showing a breakdown of the costing are respectfully submitted for receipt by your Committee.

Received

March Special Lecture Series, 1973:

The question of whether the Special Lecture Series should be continued as such has been raised at previous meetings, and in November was studied for 1972 when your Committee recommended that it be continued for this year at least. Over the past twenty years the Series has acquired a reputation for authority which has placed complete sets of these volumes in academic, Law Society, and private law libraries throughout the Common Law world. A professor at Osgoode Hall Law School, for instance, recently mentioned that while on a sabbatical tour, he saw copies in California and Australia. Practical guidance of a high quality is identified with the name. For this reason, among others, plans should be made to continue the Series beyond this year as a permanent part of the Society's Continuing Education Programme. One of the other reasons for retaining the Series under its established name is that it is a natural vehicle to provide balance to the rest of the Programme. With some exceptions our efforts in Continuing Education are designed to give the Bar Admission Course to the profession. This is done, first of all, because of the demand for this type of presentation and secondly, and equally important in our Department's opinion, it is done to improve the Bar Admission Course. The exercises require the Heads of the Bar Admission Course Sections, in their role as Chairmen of the Programmes, to reconsider the organization of subject matter and provides practice teaching for the instructors used as seminar leaders. New material is almost always generated and videotape records provide visual aids to classroom teaching.

The Special Lectures serve another purpose. They provide a forum for a wider selection of prominent speakers and can come down on the side of what produces the best book, rather than what produces the best pedagogical work of the moment or the best by-product for the Bar Admission Course.

If we are turning the corner away from abandonment of the Series as the November recommendation of your Committee indicates, it is respectfully requested that your Committee take the above reasons into account when discussing whether plans should be made to present the Series in 1973 and future years.

On the assumption that the Series is not to be abandoned, it is submitted that your Committee could now turn its attention to how the Series might be improved. A suggestion on which our Department would welcome your Committee's guidance is that of announcing the programme eight to twelve months in advance with an invitation to the practising and academic Bar to submit to a planning committee, three hundred word summaries of papers which the applicant proposes for delivery in the Series. The invitation could be given wide circulation together with a breakdown of the topics to be presented. It is not expected that the response would unearth the fifteen to twenty lectures required — most would still have to be conscripted through your Committee by a more direct approach — but the very invitation would lend a prestige and openness to the Series which could only enhance the very considerable reputation it now enjoys.

Our Department requests direction from your Committee on this suggestion and, if this suggestion is favoured, we will submit for your Committee's approval at the next meeting suggested topics and an outline of procedure.

Approved.

Distribution of Programme on the Bail Reform Act:

Chief Justice Gale, on behalf of the Senior Justice in British Columbia, has enquired about the possibility of viewing the videotapes which were made of this programme. A similar request has been received from Mr. Perry W. Schulman, Director of the Manitoba Institute of Continuing Legal Education. We are editing the tapes for showing in seminars of judges and practitioners in Ontario and will be in a position from a logistic point of view to meet these requests. However, the tapes will require explanation which can only be offered in any reasonable way by persons such as Mr. Carter and Mr.

Powell who were closely associated with the programme here. They should attend on the showing with or without local experts as required, but any such arrangement would, in effect, be taking a Law Society programme beyond the Ontario borders. We should have instructions from your Committee before replying to this and future out-of-Province requests.

Your Committee recommends that this be approved, provided the Society's costs are met.

PETITIONS

Michael Gardiner asks to be allowed to delay his call to the Bar until 1974 or later so that he can go to Australia in February and then attend the Harvard Business School in Boston to obtain an M.B.A. which is a two year course. Mr. Gardiner's letter is before the Committee. *Approved*

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Finlayson

Your Committee met on Thursday the 10th day of February, 1972 at 2:00 p.m. the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Cartwright, Grange, MacKinnon, Seagram, Sopha and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Special

The following candidates having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case are now entitled to be called to the Bar and to be granted a Certificate of Fitness:

Douglas Esmond Sanders: Special — Faculty of Law University of Windsor. Fee $200.

John Donaldson Whyte: Special — Faculty of Law, Queen's University. Fee $200. *Approved*

Transfer from another Province

The following candidates, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411.00 now apply for call to the Bar and to be granted a Certificate of Fitness:

Edward Neil Colborne — Nova Scotia
Richard Andrew Thompson — Alberta
Wayne Edward Shaw — Alberta

Approved

United Kingdom Solicitor

Stefan Wasserberger presents a current practising certificate from the Law Society in England entitling him to practise as a solicitor there and a letter from Field Fisher & Co. stating that he is in active practice with that firm. Mr. Wasserberger seeks to proceed under Regulation 5(1).

Approved

Occasional Appearances

Jack Morley Chapman, Winnipeg, Manitoba, has applied to proceed under the Admissions Committee's Regulation 10 governing "Occasional Appearance in Ontario" of lawyers from other Provinces. *Approved*

Petitions

David Robin Gemmill asks to be exempt from the articling portion of the Bar Admission Course. Mr. Gemmill's petition is before the Committee.

Your Committee recommends his petition be refused.

Don Hammond Jack seeks to be admitted as a student-at-law in the Bar Admission Course.

Your Committee recommends he be advised he may enter the Bar Admission Course upon presentation of a certificate of the Dean of an approved Law School stating he holds the equivalent to an approved Canadian LL.B. degree.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 10th day of February 1972, the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Cartwright, Fennell, Henderson, Howland, Levinter, MacKinnon, Pallett, Sopha, Steel, Thom and Zahoruk.

Accounts

The Secretary reports that from the 1st January to the 31st January 1972 accounts, including Library Accounts, properly approved, to the amount of $121,608.79 have been paid.

Approved

Financial Statement, 1st September 1971 to 31st January 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1971 to the 31st January 1972. *Approved*

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointment to judicial office, and their membership in the Society is in abeyance:

Janet Lang Boland, Q.C., Toronto: Called — 29th June 1950. Appointed Junior Judge, County Court, York — 28 January 1972.

Guy Y. Goulard, Sturgeon Falls: Called — 25th March 1966. Appointed Provincial Judge of Family & Juvenile Court, Sudbury, 12th June 1970 *Noted*

Deaths

The following members have died:

John H. Schofield, Q.C., Kitchener	Called — 6th December 1923 Deceased — 21st September 1971
E. A. H. Porter, Q.C., Belleville	Called — 29th June 1949 Deceased — 8th November 1971
James R. Shuttleworth, Toronto	Called — 22nd March 1968 Deceased — 13th January 1972
Frank C. Forster, Q.C., Toronto	Called — 16th June 1927 Deceased — 17th January 1972.

Noted

Membership Under Rule 50

The following members who are 65 years of age and have permanently retired, apply to be permitted to continue their membership in the Society under Rule 50:

George A. Snyder, Q.C., 1151 Main St. East, Hamilton
Arthur J. Donnelly, R.R. #2, Cargill, Ontario.

Approved

Change of Name

Pamela Leigh Purves appears on the rolls of the Law Society under the surname "Purves", being her married name. She advises that she wishes to practise law in Ontario under her maiden name "Belyea", and petitions that her name be changed on the rolls of the Society to Pamela Leigh *Belyea.*

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1970, and for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

RE: SOLICITORS LIABILITY INSURANCE

The Treasurer has asked this Committee to consider how the profession and students in the Bar Admission Course can be made aware of the areas which have given rise to claims against the Errors and Omissions Insurance. A breakdown of the experience of the past year is before the Committee.

The situation with respect to individual members causing undue claims against the insurance, will be considered by this Committee at its April meeting, and the Committee recommends that the Treasurer write to all members respecting areas which have given rise to claims against Errors and Omissions insurance.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF ONTARIO

The Institute of Chartered Accountants of Ontario request permission to use the facilities at Osgoode Hall as the location for the 1972 session of the Ontario Institute School of Accountancy. They would prefer the period from June 5 to June 30 inclusive, if these dates can be accommodated by the Society.

Your Committee recommends that permission be granted at a rental figure agreed upon.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Beament

Compensation Fund

For the Period 1st September 1971 to 31st January 1972

	Month of Jan. 1972			*5 months ending 31 January 1972*
Balance on Hand 31st Aug. 1971				$1,324,373.74
Receipts —				
Fees — 6,258 at $30.00	$2,220.00		$187,740.00	
Investment Income				
— Gov. of Canada	—	$16,750.00		
— Guar. Dep. Interest	$4,140.46	$12,738.56		
— Bank Interest		$ 347.33	$ 29,835.89	$ 217,575.89
Recoveries				
— Shuttleworth	—		$ 400.00	
— A. F. Blotti	—		$ 4,363.56	$ 4,763.56
	$6,360.46			$1,546,713.19
Disbursements				
Grants				
— Coleman (2)	—	$ 500.00		
— Parisien (1)	$4,647.12	$14,647.12		
— McGrath (1)	—	$ 2,396.44		
— Wineberg (1)	$1,500.00	$ 1,500.00		
— Card (1)	$3,000.00	$ 3,000.00	$ 22,043.56	
Counsel Fees, Reporters, etc	$5,638.37		$ 10,901.01	
Annual Fee Refund	$ 150.00		$ 330.00	$ 33,274.57
	$8,575.03	Balance — 31/1/72		$1,513,438.62

Outstanding Claims		
Claims Outstanding 31st Dec. 1971		$2,494,256.88
Received during period — Wineberg 1	$ 1,500.00	
— Chadwick 1	$ 5,500.00	$ 7,000.00
		$2,501,256.88
Dismissed during period	—	
Paid (Amount of Original Claims)	$ 9,147.12	$ 9,147.12
Claims Outstanding 31st January, 1972		$2,492.109.76

Blotti —	$ 539,680.00
Bowman —	$ 293,261.54
Caplan —	$ 983,301.38
Harris —	$ 519,749.90
	$2,335,992.82

Total Claims paid to 31st January 1972 (772 on account of 79 former solicitors)	$2,441,043.75

THE REPORT WAS RECEIVED

ORDER

The Secretary presented the following Order of Suspension which is entered on the Minutes of Convocation:

RE: ELLIOTT G. POSEN, TORONTO

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF THE LAW SOCIETY ACT, 1970

AND IN THE MATTER OF *Elliott G. Posen*, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated 6th January 1972, in the presence of the Solicitor and his Counsel, wherein the Solicitor was found guilty of professional misconduct and having heard such additional evidence as was adduced, and having heard Counsel aforesaid:

CONVOCATION HEREBY ORDERS that the rights and privileges of the said ELLIOTT G. POSEN as a member of the Society be suspended for a period of two years from the 21st day of January 1972;

AND CONVOCATION FURTHER ORDERS that the said ELLIOTT G. POSEN pay the expenses of the Society's investigation of his professional affairs and of the hearing.

DATED this 21st day of January, 1972.

"Sydney L. Robbins"
Treasurer
"Kenneth Jarvis"
Secretary

(Seal)

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Edward Neil Colborne — Transfer — Nova Scotia.

Richard Andrew Thompson — Transfer — Alberta.

Douglas Esmond Sanders — Special — Faculty of Law, University of Windsor.

Wayne Edward Shaw — Transfer — Alberta.

John Donaldson Whyte — Special — Faculty of Law, Queen's University.

DISCIPLINE COMMITTEE

RE: GORDON BRUCE WILL, BRANTFORD

The Reporter was sworn.

The Solicitor attended with his counsel, Mr. S. E. Wyatt.

The Secretary read the Decision of the Discipline Committee.

Convocation heard submissions by counsel on behalf of the Solicitor. The Discipline Committee found Gordon Bruce Will guilty of professional misconduct in that he, during the period from January 10, 1967 to February 7, 1968, misappropriated sums totalling $8,431.50 more or less, the property of the Estate of E.A.R. (Specific complaint 2(a)), and having received sums totalling $4,127.16 more or less in trust for the Estate of W.E., misappropriated $1,499.16 more or less. (Specific complaint 2(b)).

The Discipline Committee had received the evidence of a chartered accountant, who conducted an investigation of the Solicitor's books and records on the instruction of the Society, and whose testimony covered the details of the revelant transactions through the Solicitor's books.

The Solicitor himself also testified and explained that, with respect to the complaint touching the Estate of E.A.R., the Solicitor's father had loaned approximately $10,000.00 to E.A.R. during her life, and that on his father's death the money was still owing. The Solicitor and his brother were the sole beneficiaries of their father's estate. The Solicitor, having paid himself out of the Estate, realized that he had no documentary proof of the debt of the Estate to himself and his brother, so he reimbursed the Estate account. He also said that his bookkeeping system was inadequate.

The Committee recommended that the Solicitor be disbarred.

The Decision and the Committee's recommendation were considered by Convocation in October 1971. The counsel for the Solicitor attended, and after giving certain undertakings asked that the matter be referred back to the Committee so that further evidence and representations could be presented. Convocation so ordered and the same Committee reconvened and heard further evidence from the chartered accountant and from the Solicitor.

The Committee again concluded that the Solicitor was guilty of professional misconduct, and recommended that he be disbarred.

The Solicitor attended Convocation this day with Mr. Wyatt, his counsel, who had served notice that he would dispute some of the facts set out in the Committee's Decision.

It was moved and seconded that the Decision be accepted.

Convocation voted first with respect to specific complaint 2(a). The motion in that respect was lost, and accordingly the Decision of the Committee in this respect was not accepted.

Convocation voted in respect to specific complaint 2(b). The motion in that respect was carried.

The following motions were made respecting penalty:

(1) Moved and seconded that Convocation order that the said Gordon Bruce Will be disbarred as a barrister, and that his name be struck off the roll of solicitors, and that his membership in the Law Society of Upper Canada be cancelled.

(2) Moved and seconded that the Solicitor be suspended for two years and required to pay the costs of the Society's investigation.

(3) Moved and seconded that the Solicitor be suspended for six months, and required to pay the costs of the Society's investigation.

(4) Moved and seconded that the Solicitor be reprimanded in Convocation and required to pay the costs of the Society's investigation, provided the Solicitor practise only in association with others.

The Solicitor and his Counsel returned.

The Solicitor and his Counsel were advised that the Decision of the Discipline Committee had been accepted as to complaint 2(b). They were also advised of the four motions before Convocation relating to penalty.

Mr. Wyatt made submissions and affirmed to Convocation that he stands ready to take the Solicitor in as a member of his firm.

The Solicitor and his Counsel retired.

Mr. Waterous, President of the Brant Law Association, made representations respecting the Solicitor's good character. He then retired.

Motion No. (1) was lost; (2) and (3) were withdrawn; and (4) was carried.

The Solicitor and his Counsel returned.

Mr. Wyatt undertook that he will accept the Solicitor in his firm, and to advise the Society if the arrangement should change.

The Solicitor undertook that he would seek association with Mr. Wyatt's firm, and advise the Society if that arrangement should change.

The Solicitor and his Counsel retired.

Convocation adjourned for luncheon at 12:30 p.m.

The Treasurer and Benchers entertained as their special guests at luncheon The Honourable W. G. Davis, Prime Minister of Ontario, The Honourable Dalton A. Bales, Q.C., Minister of Justice and Attorney General for Ontario, and Mr. B. Armstrong.

Convocation resumed at 2:30 p.m., a quorum being present.

The Solicitor and his Counsel returned and were advised of the disposition.

They were advised of the right to appeal, but waived the right and undertook to sign a suitable waiver.

Mr. Wyatt retired.

The Treasurer reprimanded the Solicitor.

Messrs. Cassels, Common, Cooper and Finlayson, who were not present throughout consideration of the matter, took no part in the discussion and did not vote.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 10th day of February, 1972 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, and Messrs. Bowlby, Cory, Fennell, FitzGerald, Grange, Krever, MacKinnon, Morden, Pallett, Seagram, Strauss and Thom.

1. MISCELLANEOUS

(a) Your Committee's attention was drawn to an organization known as the Canadian Environmental Law Research Foundation. It is apparently a coalition of scientists, lawyers and concerned citizens who, according to the Foundation, combine their knowledge and skills to recommend improved environmental laws and procedures; to supply constructive criticism of present environmental law; to assist the public with information and direction as to how they may better use government agencies which have been established to safeguard the environment and to provide the legal community with complete and expert environmental information. As a consequence of this focus the Environmental Law Association was formed with one of its main functions being to refer the public to a panel of lawyers that are interested in environmental law and its developments. The formation of this Association was announced in June of last year in a letter sent through the facilities of the Society to Ontario lawyers, inviting them to join the panel. Upon receipt of a request for advice concerning an environmental problem, the Association's counsel interviews the complainant and informs him of the various remedies available to alleviate the particular problem. If the complainant wishes to take legal action, the Association's counsel makes inquiries to ascertain if the complainant has his own lawyer, in which case the Association advises him to consult this lawyer. The complainant's lawyer can, if he wishes, draw on the Association's legal and scientific research in environmental problems. If the complainant does not know of a lawyer, but can afford legal fees, he is given a list of names from the Association's panel and is informed that a lawyer's name on the panel does not indicate expertise but only the interest of the panelist in the area of environmental law. The complainant is left to choose the lawyer he wishes, whether on the panel or not. Where a complainant cannot afford a lawyer and legal aid is not available, he is advised that some of the lawyers on the panel may be willing to act for the complainant on a gratuitous basis. When membership was solicited for the panel it was implicit, so the Association states, that a lawyer by joining so indicates a willingness to accept cases on a gratuitous basis should the occasion arise.

Your Committee, being satisfied that all members of the profession have been canvassed for membership on the Association's panel, can find no impropriety. It is suggested, however, that shortly after the Call to the Bar each year, the new lawyers be given an opportunity by the Association to join its panel.

(b) Your Committee was asked whether a solicitor's fee has to be paid before a new lawyer coming on to the case files a Notice of Change of Solicitors. The Secretary was instructed to advise that there is no ethical requirement that the fee be paid before the Change of Solicitors is filed. It was suggested that the inquiring lawyer be referred to the article by John Morden, entitled "A Succeeding Solicitor's Duty to Protect the Account of the Former Solicitor" which appears in the current issue of the Law Society Gazette.

(c) A lawyer questioned whether it would be permissible for him to become involved in his professional capacity with a divorce assistance company. He was referred to the Committee's opinion on Divorce Assistance Service, which was expressed in the Committee's Report for September, 1971. The Committee said, at that time:

> "Your Committee considered a letter from a Toronto lawyer asking for advice. He has been asked to accept a re-

> tainer by a client who wishes to establish a divorce assistance service. According to the lawyer, the object of the client's venture is to provide an individual seeking a divorce with an efficient, swift and economical means of securing it. The client would not practise law in any way by giving an opinion as to the possible grounds of divorce or likelihood of success. For its fee the client would secure preliminary routine information, secure marriage licences and provide reasonable means of financing. The intention would be for the client to retain the lawyer on a fixed monthly basis to review information supplied by the applicant for the preparation of the Petition, to interview the applicant, to determine the availability and nature of the grounds for the divorce, to make sure the documents are properly prepared, filed and served, to appear on such motions for substitutional service as may be necessary, to interview witnesses, appear at the hearings and prepare Decrees Nisi and Absolute. Your Committee instructed the Secretary to advise the lawyer that it disapproves of the proposed scheme, the view being that if he were to take part, he would be participating in the unauthorized practise of law by the client."

It is not clear whether the company in question would pay the Lawyer's fee, or whether the individual client would do so at different points in time. The Committee was of the opinion that, with respect to these two alternatives, the Solicitor would either be involved in a steering situation, or participating in the unauthorized practise of law. The Secretary was instructed to advise him accordingly.

(d) A lawyer asked what are a barrister's duties and responsibilities towards a client with regard to the taxing of a party and party bill of costs awarded a client after the trial of an action in the Supreme Court. Apparently, the lawyer has refused on the grounds that he feels that any amount taxed could not be collected from the other side. Your Committee is of the opinion that, if requested by the client, the solicitor has a duty to prepare the bill of costs and attend on taxation. He is entitled to be paid for his preparation and his appearance.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 9th day of February, 1972, the following members being present: Mr. John

Bowlby, Chairman, and Messrs. Beament, Cory, FitzGerald, Gray, Killeen, MacKinnon, Morden, Poole and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of December, 1971.

The Director's report for the 9 months ended December 31st, 1971 discloses that the net expenditure of the Plan is running $171,000 less than budgeted expenditure. An analysis of this under-expenditure is as follows:

Fees and disbursements under budget	$165,000
Recoveries in excess of budget	54,000
	219,000
Less: Administrative costs in excess of budget	48,000
	$171,000

Indications are that the total net expenditure of the Fund for the fiscal year ending March 31st, 1972 will be close to the budgeted expenditure of $8,148,000.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 9 months ended December 31st, 1971.

The statistical report for the 9 months ended December 31st, 1971 shows that informal applications and formal applications have increased 20% and 12% respectively over the corresponding 9 month period in 1970.

For the 9 months under review the refusal rate of formal applications is 27% compared with 15% in 1970. This increased rate of refusal is reflected in the following statistics:

1. Certificates issued have increased by only 1%.
2. Area Committees are dealing with more appeals from the refusals of area directors — 804 in the 9 months to December 31st, 1971 compared with 408 in the corresponding 9 months in 1970.

The new divorce criteria formally introduced on or about July 1st, 1971 would appear to be having an effect on the number of divorce certificates issued. For the 6 month period ended December 31st, 1971, 3,609 divorce certificates were issued at an average of 601 per month; in comparison to 4,490 being issued in the 6 month period ended December 31st, 1970 at a monthly average of 748.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

Your Committee approved the accounts.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the 3 months ended January, 1972.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of January, 1972.

COMMUNITY LEGAL SERVICES

L. S. Fairbairn, Assistant Provincial Director, presented to the Committee a point form statement of his preliminary views, observations and conclusions concerning the difficult issues raised by the question of Community Legal Services.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

The Sub-Committee Appointed to Review the Legal Aid Tariffs met on Monday, the 7th day of February, 1972, the following members being present: W. Gibson Gray (Chairman) and Messrs. Bowlby, Cooper, Martin and Poole. Mr. Justice J. G. J. O'Driscoll attended by invitation.

The Sub-Committee reviewed a brief submitted by the Criminal Lawyers Association on the legal aid tariff amendments as recommended by the Sub-Committee and approved by Convocation in final form in January, 1972.

The Sub-Committee after careful review made certain further amendments to the legal aid tariffs in the light of the Criminal Lawyers Association brief.

Your Committee recommends the adoption of the Sub-Committee's report.

SUB-COMMITTEE APPOINTED TO REVIEW THE DISPOSITION OF UNCONTESTED DIVORCE ACTIONS

The Sub-Committee Appointed to Review the Disposition of Uncontested Divorce Actions met on Saturday, February 5th, 1972 the following members being present: John D. Bowlby and Messrs. Cass, Cory, FitzGerald and Killeen. Mr. Justice Patrick Hartt, Chairman, Federal Law Reform Commission, attended by invitation.

Your Committee considered the Sub-Committee's report and after much consideration recommends the adoption of the report.

The report is attached as a schedule to this report.

SUB-COMMITTEE APPOINTED TO REVIEW LEGAL AID SOLICITORS' ACCOUNTS OVER $5,000

The Sub-Committee Appointed to Review Legal Aid Solicitors' Accounts Over $5,000 met on Friday, February 4th, 1972 the following members being present: John D. Bowlby and Messrs. Cooper, Cory, Morden and Wallace.

The Sub-Committee reported to your Committee that on reviewing accounts over $5,000 it had taken into account the philosophy that the legal aid tariffs are based on what a lawyer would charge a client of modest means.

The Sub-Committee was concerned that nowhere in the legislation is this philosophy reflected. It was the opinion of the Sub-Committee that members of the Bar should, in fact, know the principle underlying legal aid fees and suggested that an amendment be made to the legislation which would specifically point out that the tariffs are based on what a client of modest means could pay.

Your Committee considered the recommendations of the Sub-Committee and referred the report to the Sub-Committee Appointed to Review the Legal Aid Tariffs. That Committee proposed certain amendments to the Regulation which were drafted by G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation.

APPOINTMENT OF A PROVINCIAL APPEALS DIRECTOR TO SUPERVISE APPEALS SUBMITTED TO AREA COMMITTEES UNDER SECTION 14 OF THE LEGAL AID ACT

In April, 1971 Convocation approved in principle, the appointment of a Provincial Appeals Director to supervise criminal appeals submitted to Area Committees under Section 14 of the Legal Aid Act. Chief Justice Gale was concerned by the delays in processing such appeals, including the delay of an Area Committee to obtain transcripts, the delay of an Area Committee to obtain the Trial Judge's Report, the delay of an Area Committee to obtain an opinion from the solicitor at trial and the delay caused by a prisoner being transferred from one institution to another.

The Director was instructed at the January meeting to confirm the appointment and assess its responsibilities at a salary to be negotiated with the Director and the Chairman.

The Provincial Director recommended the appointment of Lucien A. Beaulieu as Provincial Appeals Director. The following is an assessment of Mr. Beaulieu's responsibilities:

1) expedite the administration of processing appeals in criminal matters;

2) liaise with the Area Director and, when invited, the Area Committee, to acquaint them with the climate or pulse of the Court of Appeal and the implications this might have regarding the relative merits of a proposed criminal appeal;
3) liaise with the Court of Appeal in obtaining information as to what particular appeals are without merit and discreetly discuss the problem with the appropriate Area Director.

The Provincial Appeals Director will specifically review the flow of material relating to an appeal, in particular he shall receive:

(a) A copy of the Notice of Appeal and Notice of Application for Legal Aid prepared by the duty counsel who assists the appellant;
(b) a copy of the Trial Judge's report from the Registrar of the Court of Appeal;
(c) a copy of counsel's opinion letter commenting on the merits of the appeal;
(d) a copy of an Area Committee's refusal or approval of an appeal certificate;
(e) a Notice of Appeal to the Provincial Director from an Area Committee's refusal;
(f) if a certificate is issued, assurance that a solicitor has filed a Notice of Appeal and a Notice of Withdrawal of the accused's personal appeal within the specified time.

By receiving the above-noted material a — f, the Appeals Director will be responsible for the supervision of a control registry system which will facilitate the efficient answering of enquiries and a "follow-up" system to eliminate delays.

The above material will further enable the Appeals Director to offer useful and helpful assistance to the Area Director in preparing the material for an Area Committee.

Your Committee approved the appointment of Lucien A. Beaulieu as Provincial Appeals Director.

EXEMPTION FROM SECTION 71 OF THE REGULATION

Temiskaming District

Your Committee approved the request of P. J. Burns, Area Director, Temiskaming District, for an exemption from Section 71 of the Regulation for the Towns of Englehart, New Liskeard, Haileybury, Cobalt and the areas surrounding them.

The Temiskaming District Area Committee and the Temiskaming Law Association had approved the exemption.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Algoma District
Douglas Gaetz, Crown Attorney, Sault Ste. Marie
Frank Sarlo, Solicitor, Sault Ste. Marie
R. Gurevitch

Haldimand County
C. Edward McCarthy, Solicitor, Hagersville
J. Paul Osier, Solicitor, Caledonia
Donald Montcalm, Solicitor, Caledonia

Grey County
J. H. Middlebro', Solicitor, Owen Sound
H. A. Lendon, Solicitor, Owen Sound
R. E. Salhany, Solicitor, Owen Sound

The following *resignations* were noted:

Algoma District
Earl Longarini
Ray Stortini
Gregory Cameron.

THE REPORT WAS ADOPTED

SCHEDULE

The SUB-COMMITTEE APPOINTED TO REVIEW THE DISPOSITION OF UNCONTESTED DIVORCE ACTIONS met on Saturday, February 5th, 1972, the following members being present: John D. Bowlby and Messrs. Cass, deC. Cory, FitzGerald and Killeen. The Honourable Mr. Justice Patrick Hartt, Chairman, Federal Law Reform Commission, was present by invitation.

The Committee after thorough study and review is of the opinion that it may be possible under Legal Aid to have an applicant seeking a divorce certificate referred by the Area Director to a solicitor with an advice certificate to weed out the problems of whether the applicant is involved in an uncontested divorce or whether the applicant has claims and rights which should be protected. Advice will be given under the certificate which can deal with costs, maintenance, preliminary advice, property arrangements, custody, rights of client. It may be that the solicitor can settle all ancillary issues by agreement with the respondent. Once the action becomes undefended it will go back to the Area Director for processing. The solicitor after careful assessment can advise the Area Director as to whether or not it is an uncontested divorce action and if so, the mechanics of processing the petition will be through the Area Director's office with the assistance of Duty Counsel or a solicitor representing a number of applicants at trial in an uncontested divorce action. The Area Director will be responsible for the typing of pleadings and processing the pleadings.

The Committee noted the following:

1. 76% of all divorce petitions are based on three years separation.
2. 25% of the cost of Legal Aid is related to divorce actions. About two million dollars of the Legal Aid Fund were spent on uncontested divorce actions.
3. A notice should be given to the profession in the Ontario Reports of the Sub-Committee's proposals and invite comment from the profession.
4. The Committee suggested that a Legal Aid area be selected to innovate the recommendations so that experience and statistics on the results can be obtained.

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 10th day of February, 1972, the following members being present: Messrs. Steele (Chairman), Carley, Cassels, Grange, Krever, Maloney, Raney, Seagram, Wallace and Zahoruk, and Miss R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st January, 1972, were approved as follows:

Great Library

	Books	*Sundries*	*Salaries*
Estimates	$30,000.00	5,500.00	126,636.00
Expenditures	13,160.66	1,760.51	49,740.53

Special Account

Estimates	22,159.70
Expenditures	Nil

Bar Admission Course Library

	Books	*Salaries*
Estimates	20,000.00	12,127.00
Expenditures	6,054.15	3,801.81

Approved

GIFTS AND DONATIONS

Mr. John D. Honsberger, Q.C., has donated a copy of *Ocean Affairs Bibliography, 1971*, published by the Woodrow Wilson International Center for Scholars, Washington, D.C. (Ocean Series No. 302). *Noted*

ANNUAL INVENTORY OF TEXT BOOKS

In the year 1971, five text books were taken from the Great Library without permission and have not been returned. During the year seven texts were returned, having been missing in previous years. *Noted*

BOOK LIST

A list of books which have been ordered for the Great Library was approved.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANTS - 1971

Thunder Bay Law Association submitted its Annual Returns for 1970 on 31st May, 1971. The returns were not acceptable for various reasons, but they have now been corrected. The amount of the grant which Thunder Bay should receive under the Rules for the year 1971 is $1,047.

Approved.

ANNUAL GRANTS - 1972

The following assocations have sent in their Annual Returns. The amount which each should receive under the Rules for the year 1972 and the amount received in 1971 are as follows:

	1972	*1971*
Bruce	$1,040.00	$ 970.00
Perth	1,390.00	1,390.00
Stormont, Dundas and Glengarry	1,105.32	998.02

Approved

PROPOSED PRINCE EDWARD COUNTY LAW ASSOCIATION

Your Committee had before it a request for approval to form a law association in the County of Prince Edward.

At the present time there is no law association in the County of Prince Edward. There are six lawyers practising in this County, all of them in the Town of Picton, (with a seventh expected at the end of this year's Bar Admission Course), and until now they have come under the jurisdiction of the Hastings and Prince Edward Law Association, whose library facilities are located in Belleville (Hastings County) — 23 miles from Picton. The Picton lawyers find this inconvenient and would like library facilities of their own in Picton.

There are three Supreme Court sittings in Picton each year and there are four County Court sittings. There are also Provincial Court sittings in Picton.

Rooms are available in the Picton Court House to house a library and the Picton lawyers are prepared to contribute substantially to its initial cost. They also have several series of basic reports which they are prepared to place in the library on loan.

Your Committee had before it letters from the local County Court and Provincial Court Judges supporting the proposed association, in particular the establishment of a law library. The President of the Hastings and Prince Edward Law Association also wrote your Committee advising that his membership has no objection to the new association.

Your Committee recommends that Convocation approve the formation of a law association at Picton in the County of Prince Edward and that Convocation require the association to become incorporated.

REPORTING

ONTARIO REPORTS: FREE LIST

Your Committee was asked to consider providing students in the Bar Admission Course (both articling and teaching periods) with the weekly issues of the Ontario Reports. Your Committee made enquiries respecting student demand and it would appear that generally speaking students would like to receive the Reports but they would prefer not to have to pay for them. The cost to provide the Reports to the students at the Society's expense would be approximately $10,000. This is for a sixteen-month period.

Your Committee recommends that the Society provide the Reports to those students who apply for them and at the student's expense.

ONTARIO REPORTS: SUMMARIES OF REASONS FOR JUDGMENT

Your Committee had before it a letter from the Court of Appeal Law Clerk advising that some counsel are referring to the Summaries of Reasons for Judgment in Memoranda of Fact and Law and giving a summary citation when they should be citing the case as being unreported, unless of course it is reported.

Subject to the approval of the Judges' Library Committee, your Committee recommends that the following capitalized words be added to the second paragraph of the introductory wording which appears before the Summaries in each issue of the Ontario Reports:

> " These summaries are unofficial AND SHOULD NOT BE CITED AS SUCH IN ARGUMENT OR IN MEMORANDA OF POINTS OF LAW AND FACT. Reference should be made to the reasons for judgment as reported in the Ontario Reports or on file with the Law Society."

THE REPORT WAS ADOPTED

Mr. Cartwright did not vote.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 10th day of February, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Bowlby, Cass, Cooper, Fennell, FitzGerald, Henderson, Pallett, Sopha, Steele, White and Zahoruk. Mr. Raney also attended.

1. A file concerning a non-solicitor incorporating companies was referred to Counsel for investigation and opinion.

2. Your Committee wishes to obtain the opinion of Convocation as to the Committee's use of an "agent provocateur" in obtaining evidence of unathorized practice. In some cases, your Committee finds it difficult, if not impossible, to obtain evidence of unauthorized practice without using such a person.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED

Moved by Mr. Grange, seconded by Mr. Griffiths, that the Society approve as a matter of principle the employment of agents provocateurs to assist the Unauthorized Practice Committee and the Discipline Committee in their investigations.

Carried

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 10th day of February, 1972 at 11:45 a.m., the following members being present: Mr. Henderson, Chairman, and Messrs. Bowlby, Carley, Krever, Morden and White.

SKETCHES OF OSGOODE HALL

The Society owns four ink sketches of the interior of Osgoode Hall which it commissioned from Mrs. Mary Schneider. It was contemplated that full size reproductions of the sketches would be made and sold to members of the profession in a folder at some reasonable price of perhaps $20 to $25. No action has so far been taken. The Secretary has discussed the project with Mr. Trevor of Rous and Mann who are ready to undertake the printing and design of a suitable portfolio.

Approved in principle

CANADIAN LEGAL EDUCATION PROJECT — LAW CONFERENCE

Mr. MacKinnon has asked that the Canadian Legal Education Project proposals sent to him by Dr. Melvyn Robbins on the 21st of June, 1971 be considered by this Committee. A copy of the relevant material is before your Committee.

Your Committee recommends that the material be distributed to members of the Committee and placed on the agenda of the next meeting.

CONCERTS AND TOURS IN OSGOODE HALL

Now that the outside of Osgoode Hall has been cleaned and the Muniments and Memorabilia Committee has installed attractive display cases in the Society's quarters it is suggested that the Committee consider that the public be invited to tour Osgoode Hall. One possibility would be to stage Sunday afternoon musical concerts perhaps once a month in Convocation Hall and to offer a tour of the building afterwards. Alternatively Sunday afternoon tours alone could be arranged with the assistance of junior members of the Bar. In either case when the Province's half of the building is reconditioned arrangements could be sought with the Government to extend the tours into that part of the building.

Approved in principle

Moved by Mr. Sheard, seconded by Mr. Fennell, that the item respecting "Concerts and Tours in Osgoode Hall" stand to the next Convocation. The motion was lost.

THE REPORT WAS ADOPTED

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 27th January 1972, the following members being present: Mr. Robins, Treasurer, Chairman, and Messrs. Gray, Levinter, Sheard and R. F. Wilson.

Messrs. Arthur Heeney and J. F. Howard, Q.C. were present at the Chairman's invitation.

Re: ALTERATIONS AND RENOVATIONS, LAW SOCIETY BUILDING

At its meeting on the 10th November 1971 this Committee approved the work involved in preparing the west and centre wing basement areas and certain rooms on the first and second floors at an estimated cost of $107,586.00, on the understanding that Mr. Heeney would review and try to reduce the cost of items 2E (Basement light) and 2F (Basement Air Conditioning).

A letter from Mr. Heeney dated January 17, 1972 is before the Committee. *Noted*

Re: STRUCTURAL PROBLEMS IN THE FLOOR JOISTS AND WALL PLATES

A letter from Mr. Heeney dated November 30, 1971 is before the Committee. *Received*

Re DRIVEWAY

At its meeting on September 30th, 1971 this Committee approved in principle finishing the driveway across the front of the Society's half of the building to the east gates in granite setts, subject to costs being considered.

By letter to the Secretary dated November 25, 1971 Mr. Pongor, Senior Project Architect, advised that the cost to be borne by the Law Society is estimated at $16,000.

Approved

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON INCORPORATION OF LAW PRACTICES—Mr. Fennell

Your Committee met on Thursday, the 10th of February 1972, the following members being present: Mr. Fennell, Chairman, and Messrs. Grange, Henderson, Seagram, Thom and Zahoruk.

In September 1969, Convocation adopted your Committee's recommendation that when The Business Corporations Act, 1968, or a similar statute is enacted, legislation be sought to permit the practice of law by a professional corporation (the shareholders of which would be restricted to members of the Society) under conditions that ensure the high standards of the profession.

Since then, your Committee has met twice to give further consideration to its recommendation in light of anticipated tax changes and at both meetings, decided that the matter should wait until the tax changes became certain.

The new Income Tax Act has now become law. It is a complex statute and its full implications are not yet fully appreciated. Your Committee feels that it would be unwise to make any definite recommendations until the changes in taxation are further clarified.

However, your Committee does recommend that the Law Society Communiqué invite the members of the profession to write the Secretary's Office if they have strong views that legislation should be sought to permit members to practise law through a professional corporation; and if a member's reason for seeking this privilege is because of a tax advantage, then the Committee would wish that he fully set out in his letter the basis on which he would hope to obtain the tax advantage.

THE REPORT WAS ADOPTED.

CONFERENCE OF GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA—Mr. Howland

Mr. Howland, Chairman, presented a Report of the Constitution Committee to the Conference of the Governing Bodies of the Legal Profession in Canada:

TO THE CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA:

Your Committee met on Saturday, the 4th day of December, 1971 in Osgoode Hall, Toronto, the following members being present: W. G. C. Howland, Q.C., Chairman, and Messrs. Marcel Cinq-Mars, Q.C., A. William Cox, Q.C., C. C. Locke, Q.C., D. P. McClaws, Q.C., E. J. Moss, Q.C., and W. C. Newman, Q.C. Mr. H. St. Geo. Stubbs, Q.C. and Mr. Kenneth Jarvis, Q.C. were also present at the invitation of the Chairman.

At the request of the Committee Mr. Jarvis agreed to act as Secretary of the Committee.

Your Committee was appointed to consider a revision of the constitution of the Conference and to recommend what its aims and functions ought to be and what structure would be most suitable to the attainment of those objectives.

1. *The Future Role of the Conference*

Your Committee considers that the present role of the Conference as a forum for the exchange of views and information is most valuable and should be continued.

Your Committee is of the view that the Conference should have the following additional purposes:—

(a) to study and further co-operation among the Governing Bodies with a view to achieving uniformity in matters of essential concern to the legal profession;

(b) to improve the public's understanding of the work of the legal profession; and

(c) in appropriate cases to express the views of the Governing Bodies on those matters on which there is unanimity of opinion.

The Conference should be concerned with matters affecting the legal profession as a whole.

2. *Method of Operation*

Secretariat

At least a part-time Secretary is considered necessary to the functioning of the Conference and as its operations expand a full-time Secretary might be needed.

Council

Your Committee is of the opinion that there should be a Council composed of two representatives from each of the Governing Bodies to be chosen by the Governing Bodies themselves. If one of the representatives of a Governing Body was not its Secretary then its Secretary should attend the meetings and take part in the discussion but should have no vote.

Executive

Your Committee considers that the Executive of the Council should be composed of members or former members of the Council and should consist of a President, a Vice-President and the Secretary together with two additional members. A Nominating Committee should be appointed by the Council at its meeting preceding the Annual Meeting to nominate the Executive.

Meetings

The Council should meet at least twice yearly. Additional meetings could be held at the call of the Executive. The constitution should provide for an Annual Meeting at which any Bencher would be entitled to be present.

3. *Incorporation*

Your Committee considers incorporation to be desirable provided that all of the Governing Bodies concur.

4. *Name*

After considering several possible names your Committee recommends adopting the name, "Association of the Governing Bodies of the Legal Profession of Canada".

5. *Financing*

Your Committee recommends that the fiscal year of the Association be from the 1st of July to the 30th of June and that funds be raised by an assessment on a per capita basis of an amount to be set annually by the Council.

6. *Communiqué*

Your Committee considers that communication between the Governing Bodies and among the profession generally is a matter of crucial importance to the success and usefulness of the Conference and recommends that a communiqué similar to that being published by the Law Society of Upper Canada for its own members be produced by the Conference for distribution to the Benchers of all Governing Bodies in Canada by their respective Secretaries. The purpose of the communiqué would be to publish news of current developments and matters of general interest which might be or become of concern to the Conference. The communiqué should be of high quality and distinctive appearance. Initially the communiqué should seek to cover news in the areas now reflected in the headings of the Conference's annual reports.

THE REPORT WAS APPROVED IN PRINCIPLE

MOTION

Moved by Mr. H. E. Harris, seconded by Mr. Steele, that the Society request the Legislature to amend the Law Society Act as may be necessary to restore to all ex officio Benchers the same right to vote in Convocation and in Committees as is now enjoyed by elected Benchers.

Moved in amendment by Mr. Grange, seconded by Mr. Griffiths, that the right to vote by Life Benchers be limited to the following:

(a) sitting on Discipline Committees, provided they do not form a majority either of the panel of the Discipline Committee hearing a discipline matter or the Discipline Committee as a whole;

(b) a right to vote on those discipline matters where they have sat as a member of the hearing committee;

(c) to vote on all motions arising out of the work of any special sub-committee to which they have been appointed by the Treasurer.

Moved by Mr. Zahoruk, seconded by Mr. Howland, that both the motion and the amendment be referred to the Legislation and Rules Committee. *Carried*

CONVOCATION THEN ADJOURNED

Read in Convocation and confirmed this 17th day of March, 1972.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, March 17, 1972
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carley, Cass, Chappell, Common, Cooper, Evans, FitzGerald, Grange, Gray, Griffiths, Howland, Krever, Lochead, Morden, MacKinnon, Pallett, Pattillo, Seagram, Seymour, Sheard, Steele, Strauss, Thom, Trepanier, Wallace, R. F. Wilson and Zahoruk.

The Minutes of Convocation of February 18th, 1972 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 9th day of March, 1972 at 3 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Cass, Cory, Grange, Gray, Howland, Krever, Morden, Sheard, Slemin, Thom and White.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Publication of Special Lecture Series 1972: Paragraph sixteen of the February report letter refers to negotiations for publication of this series by Richard DeBoo Limited. Negotiations have now reached the stage where a specific proposal should be made, and terms are suggested for consideration by your Committee.

It is respectfully requested that instructions be given to negotiate an agreement containing these or such other terms as are recommended by your Committee. *Approved*

March Special Lecture Series, 1973:

In February your Committee approved a proposal that the topic for this series be announced well in advance together with a general invitation to the members of the profession to submit a summary of a proposed paper to a planning committee charged with the responsibility of choosing or obtaining speakers. The procedure which could be used is as follows:

(a) The announcement would be given wide circulation and would set out the rules by which the papers are to be chosen;

(b) One of the rules would require interested persons to forward a three hundred word summary of their paper by a fixed date (about three months away);

(c) In the fourth month the planning committee would review the submissions, commission the papers and impose individual deadlines;

(d) The deadlines would first require the preparation and submission of detailed outline to be discussed by the planning committee and returned to the author with suggestions;

(e) The final deadline would require a complete text in sufficient time in advance of the programme so that it could be read for accuracy or duplication, and corrections made.

The subject matter of the series which is submitted for consideration by your Committee at this time is "New Principles in the Law of Torts". The topics embraced by this heading have been discussed with Professor Stephen Borins and Professor Allen Linden. A tentative outline of topic headings is as follows:

A. Shopkeeper vs Shoplifter — Who Wins?

B. Rescuer and Victim in Tort Law

C. Compensation for Victims of Crime

D. Foreseeability in Modern Tort Trials

E. Negligent Statements — The New Tort Liability.

F. Problems of Proof

G. Trends in Occupier's Liability

H. The Growing Field of Products Liability

I. No-Fault Automobile Insurance

J. Contributory Negligence and Volenti — of seatbelts, skidoos and hockey pucks.

K. Damages — The Adequate Award

Our Department would be pleased to have direction from your Committee on the suitability or otherwise of this topic, and any suggestions on procedure or subject matter your members wish to make. *Approved*

Report of Board of Review for Section on Income Tax:

The report of the Board for this section will be submitted at the meeting for receipt by your Committee. *Noted*

COMMISSION ON POST-SECONDARY EDUCATION IN ONTARIO — DRAFT REPORT

Recommendation 13 which appears on page 26 of the draft report reads as follows:

> "Admission to professional practice in Ontario should be judged solely on the basis of written and oral examinations and experience. There should be no exception from examinations because of degrees or diplomas held. Re-evaluation every 10 years should be necessary to maintain registration for the purpose of professional practice. The examinations used for initial qualification should be of the same standard as those required for re-evaluation."

This recommendation is drawn to the Committee's attention for consideration and discussion.

The Committee should consider whether submissions should be made by the Society in response to the draft report.

Your Committee recommends that a special committee be appointed by the Treasurer to draft submissions to be made by the Society to the Wright Commission.

APPROVED LAW SCHOOLS — Minimum Requirements.

University of Ottawa LL.L. — LL.B. Programme

Dean Feeney of the Common Law Section of the Faculty of Law of the University of Ottawa points out that Quebec's pre-legal education is changing in favour of a 2-year programme beyond Grade 11 (which is equivalent to Ontario Grade 12) to be given in numerous new post-secondary institutions known as Colleges of General and Professional Education (CEGEP). Graduates of the CEGEPs are, under the regulations of the Quebec Bar, acceptable for admission to faculties of law in Quebec including the civil law sections at the University of Ottawa and at McGill. It is expected that before long holders of CEGEP diplomas will be the majority of students of civil law in Quebec.

Dean Feeney seeks permission from the Society to admit to the study of common law in the special LL.L. — LL.B. programme students who have successfully completed the first year of the LL.L. programme regardless of whether they would be admissible to the regular LL.B. course provided such students are admissible to the faculties of law of the Province of Quebec and the Civil Law Section of the University of Ottawa's Faculty of Law under the Regulations of the Bar of the Province of Quebec.

Your Committee recommends the proposal be circulated to the other approved law schools for their views.

THE REPORT WAS ADOPTED

Appointment of Special Committee on Wright Commission

Moved by Mr. MacKinnon, seconded by Mr. Carley, that a Special Committee be appointed to draft for Convocation's consideration submissions to be made on behalf of the Society to the Wright Commission on Post-Secondary Education in Ontario, the Committee to be composed of Mr. Morden as Chairman, and Messrs. Estey, Thom and J. C. McDonald, with power in the Committee to add one more member.

Carried

The Treasurer referred to the Canadian Legal Education Project respecting the teaching of law in public schools, and the correspondence between the Society and Mr. Melvin Robbins. The Society has been asked to be a sponsor, along with the Department of Education and the Ontario Institute for Studies in Education, and to take part in a conference to be held in May of this year at the Park Plaza Hotel.

Moved by Mr. Sheard, seconded by Mr. Zahoruk, that the Society's sponsorship be approved. *Carried.*

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Wednesday the 23rd day of February, 1972 at 10:15 a.m. the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Cartwright, Grange, Lochead, MacKinnon, Seagram, Sheard and Thom. Mr. J. C. MacDonald was also in attendance.

Admission of Teachers From the Approved Law Schools in Ontario

This matter was before the October meeting of the Committee at which time it was recommended that it be placed on the agenda of the Meeting of the Deans of the Approved Law Schools in Ontario.

A report of the meeting of the Deans is before the Committee.

Your Committee recommends that no action be taken at present.

THE REPORT WAS ADOPTED

Mr. Cass, Chairman, presented the Report of the Admissions Committee dated the 9th March 1972:

Your Committee met on Thursday the 9th day of March, 1972 at 2:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Cartwright, Grange, Lochead, MacKinnon, Seagram, Sheard, Slemin and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, apply for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1971

Under Bar Admission Course Regulation 26

674. FARGNOLI, Victor Peter B.A. Western 1965; LL.B. Western 1971.
675. McENTRY, Murray Ronald B.A. McMaster 1967; LL.B. Dalhousie 1971. *Approved*

DIRECT TRANSFER

An application for transfer to practice in Ontario was considered and approved from one solicitor from Alberta.

PETITIONS

Your Committee considered three petitions relating to attendance in the Bar Admission Course. Two sought relief from service under articles and the Committee recommended approval in one case and refusal in the other. The remaining petition was by a candidate seeking to enter the Bar Admission Course, having received an LL.B. degree in 1969, and this was approved.

It was moved and duly seconded that the Report be amended to provide that both petitions to be excused service of part of the required term under articles be refused.

Carried.

THE REPORT AS AMENDED WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 9th day of March, 1972, the following members being present; Messrs. Gray (Chairman), Cartwright, Howland, MacKinnon, Pallett, Steele, Thom, Trepanier, R. F. Wilson and Zahoruk.

ACCOUNTS

The Secretary reports that from the 1st February to the 29th February 1972 accounts, including Library Accounts, properly approved, to the amount of $96,485.29 have been paid. *Approved*

FINANCIAL STATEMENT, 1st September 1971 to 29th February 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1971 to the 29th February 1972. *Approved*

ROLLS AND RECORDS

The Secretary reports:

APPOINTMENT TO THE BENCH

The following member has been honoured by his appointment to judicial office, and his membership in the Society is in abeyance:

Bernard T. Ryan, Ottawa:
Called — 19th April 1963. Appointed Provincial Judge (Criminal Division), Judicial District of Ottawa-Carleton — March 1, 1972. *Noted.*

DEATHS

The following members have died:

Dougal P. MacDougall, Q.C., Toronto (Life Member)	Called — 1920 Deceased — January 16, 1972
Melvin J. Cunningham, Q.C., Lindsay	Called — June 29, 1948 Deceased — February 7, 1972
David F. Miller, Q.C., Brantford	Called — November 19, 1936 Deceased — February 10, 1972
Edmund I. Hall, Q.C., Ottawa	Called — June 29, 1948 Deceased — February 26, 1972
Roderick Dingwall, Cornwall (Life Member)	Called — September 26, 1910 Deceased — February 28, 1972
Herbert W. Metcalf, Q.C., Brampton	Called — February 17, 1949 Deceased — March 3, 1972.

Noted

MEMBERSHIP UNDER RULE 50

Mr. Thomas H. Lines, of Duncan, B.C., has applied to continue his membership in this Society under Rule 50. Mr. Lines is a practising member of the British Columbia Bar. His application and the correspondence are before the Committee. *Approved*

CHANGE OF NAME

Benedict Fredrick Fortier appears on the rolls of the Law Society as *Frederick Benedict* Fortier. He asks that his name be changed on the rolls to Benedict Fredrick Fortier, as it appears on his birth certificate. *Approved*

Jack Andrew Wallace appears on the rolls of the Law Society as *John* Andrew Wallace. He is known by the name "Jack", and has had this name added to his name under the Vital Statistics Act. He asks that his name be changed on the rolls to JACK ANDREW WALLACE. *Approved*

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

ERRORS AND OMISSIONS INSURANCE

The Secretary advised the Committee that over 2,000 members had not yet applied either for coverage or exemption, and suggested that the profession as a whole be notified.

Your Committee recommends that the members be advised that they must either apply for exemption from the Society's Errors and Omissions Insurance plan or pay the required levy, and that in default of so doing they become liable to suspension. *Approved*

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

GENERAL REPORT

Your Committee met on the 9th day of March, 1972 at

10:15 a.m. in the forenoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Bowlby, Cartwright, Cass, Cooper, Cory, Evans, Grange, Gray, Krever, Maloney, MacKinnon, Morden, Pallett, Seagram, Slemin, Steele, Strauss, Trepanier and White.

I AGENTS PROVOCATEURS

Your Committee requests Convocation to reconsider the resolution it passed as its meeting on February 18th, 1972 concerning Agents Provocateurs in so far as it would relate to the Committee.

II Your Committee, after some discussion, has expressed the view that the disciplinary implications of incompetence on the part of lawyers should be considered by the Special Committee on Specialization.

Moved by Mr. Wallace, seconded by Mr. Bowlby, that as a matter or principle "agents provocateurs" be employed only where it appears to be necessary for the protection of the public and where other methods of investigation have failed, and then only with the specific approval of the Treasurer together with the Chairman and Vice-Chairman of either the Unauthorized Practice Committee or the Discipline Committee. *Carried.*

COMPENSATION FUND

For the Period 1st September, 1971 to 29th February, 1972

	Month of Feb. 1972	*6 months ending 29th February, 1972*		
Balance on Hand, 31st Aug. 1971				$1,324,373.74
Receipts				
Fees—6399 at $30.00	$ 4,230.00		$191,970.00	
Investment Income				
—Gov. of Canada		$16,750.00		
—Guar. Dep. Int.	$ 2,293.18	$15,031.74		
—Bank Interest		$ 347.33	$ 32,129.07	$ 224,099.07
Recoveries				
—A. F. Blotti			$ 4,363.56	
—J. M. Godo	$ 600.00		$ 600.00	
—S. Resnick	$47,748.29		$ 47,748.29	
—Shuttleworth			$ 400.00	$ 53.111.85
	$54,871.47			$1,601,584.66

Disbursements

Grants				
—Coleman (3)	$ 1,000.00	$ 1,500.00		
—Parisien (1)		$14,647.12		
—McGrath (1)		$ 2,396.44		
—Wineberg		$ 1,500.00		
—Card		$ 3,000.00	$ 23,043.56	
Counsel Fees, Reporters, etc.	$ 431.30		$ 11,332.31	
Annual Fee Refund	$ 30.00		$ 360.00	$ 34,735.87
	$53,410.17	Balance	29/2/72	$1,566,848.79

Outstanding Claims

Claims Outstanding 31st January 1972	$2,492,109.76
Received during month of Feb.—Caplan (1)	$ 12,000.00
	$2,504,109.76
Dismissed during month of Feb.	——
Paid (Amount of Original Claim)	$ 1,000.00
Claims Outstanding 29th, February, 1972	$2,503,109.76

Blotti — $ 539,680.00
Bowman — $ 293,261.54
Caplan — $ 995,301.38
Harris — $ 519,749.90
— $2,347,992.82

Total Claims paid to 29th February 1972 (773 on account of 79 former solicitors)	$2,442,043.75

THE REPORT WAS RECEIVED

ANNUAL SUMMARY

During the year 1971, there were 1,013 matters dealt with by the Society.

The Discipline Committee held 99 half-day meetings, twenty-one of which were devoted entirely or in part to Compensation Fund matters. The three Notices of Complaint which were pending at the end of the year were disposed of as follows:

2 — Reprimands in Committee
1 — Not established
3

During 1971, thirty-two members were served with Notices of Complaint or sworn complaints, pursuant to The Law Society Act, 1970. These were disposed of as follows:

3 — Disbarments
1 — Reprimand in Convocation

8	Reprimands in Committee
4	Not established
1	Withdrawn
15	Pending
32	

In addition:

25	Invited to attend before the Discipline Committee
2	Reinstatement Applications
27	

951 complaints were considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Discipline Committee. These complaints were categorized as set out below. It is to be noted that in some instances a complaint does fall into two or more of the categories.

NATURE OF COMPLAINTS

Solicitor's failure to fully explain transaction	348
Solicitor's delay with justification	104
Solicitor's delay without justification	158
Client's complaint about fees	103
Allegations that solicitors were negligent	52
Any other questions of law	104
Complaints of misrepresentation, i.e. failure of solicitor to follow instructions or solicitor deliberately deceiving client, but which would not constitute negligence	55
Complainant not represented by solicitor complained about and needed to be advised of rights; complainant advised to ascertain rights	54
Solicitor's failure to comply with Ruling 27 of the Rules of Professional Conduct, in that he did not personally sign collection letters; solicitor advised to sign such letters	1
Solicitor's failure to meet financial obligations as envisaged by Ruling 32 of the Rules of Professional Conduct	23

Of the 951 complaints, 47 were made by lawyers against lawyers, and 85 were referred to Benchers for consideration.

Total Grants paid out of the Compensation Fund during 1971		$114,164.57
Counsel fees, reporters, transcripts, etc.		22,325.07
Paid out of General Discipline:		
Investigation by Auditors	$24,771.27	
Investigators	3,585.80	
Counsel	16,837.20	
Reporters	3,833.50	
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)	4,844.36	
Auditors and extra help	62,483.13	$116,355.26
Less: Discipline Costs Recovered		5,034.75
		$111,320.51

THE REPORT WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Monday, the 6th day of March, 1972 the following members being present: Mr. John D. Bowlby, Chairman, and Messrs. Griffiths, Killeen, Levinter, Lochead, Morden, Trepanier and Wallace.

Director's Report

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of January, 1972.

Controller's Report

(a) The Controller submitted a Summary of Applications for the 10 months ended January 31st, 1972.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Plan.

Your Committee approved the accounts.

Legal Accounts Officer's Report

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the month of February, 1972.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of February, 1972.

COMMUNITY LEGAL SERVICES

L. S. Fairbairn, Assistant Provincial Director, reported to the Committee with respect to the present and proposed duty counsel clinic activities.

A summary is attached.

Your Committee approved in particular the pilot projects proposed by the Area Directors in Kenora and Muskoka Districts described in the attached schedule and requested Mr. Fairbairn to advise the Area Directors that they may proceed with immediate implementation of these projects.

Mr. Fairbairn also drew the attention of the Committee to a pilot project proposed by the Area Director in Brant involving the weekly attendance of a duty counsel to the Six Nations Indian Reserve. The Committee authorized this project as well; it will be implemented during the third week of March for a trial period of two months.

Your Committee approved in principle an application by Dean MacDonald, University of Toronto Law School, to expand the function of its Student Legal Aid Society to include student participation in the community legal aid centres staffed by duty counsel in Metropolitan Toronto. The Committee instructed Mr. Fairbairn to arrange a meeting between senior civil duty counsel and appropriate representatives of the Student Legal Aid Society to discuss the manner in which students might be appropriately involved in such projects. Mr. Fairbairn is to report back to the Committee when the details of such proposal have been worked out.

The Committee reviewed with Mr. Fairbairn some of the questions pertaining to emerging group legal needs and class actions in the context of the present legal aid legislation and requested that the matter be referred to Willard Z. Estey, Q.C., for an opinion. The Committee will reconsider the subject at its April meeting.

UNCONTESTED DIVORCE ACTIONS

On February 25th last, a notice to the profession was printed in the Ontario Reports with respect to the disposition of uncontested divorce actions under the Legal Aid Plan.

Carleton County was selected to innovate the recommendations set forth in the notice so that experience and statistics can be obtained.

James B. Chadwick, Area Director, Carleton County, and David Clancy, Deputy Area Director, Carleton County, together with Lee K. Ferrier, Solicitor, Toronto, were invited to attend the March meeting and assisted the Committee in working out the details with respect to the disposition of these divorce actions.

Your Committee discussed in depth the rules which should be applied in the Area Director's office, taking into consideration the Rules of Practice and Section 7 of the Divorce Act, R.S.C. 1970, Chap. D8.

SUMMARY:

DUTY COUNSEL CLINIC ACTIVITY

ALGOMA:

*Area Director discussing with Area Committee possibility of —

a) monthly clinics in remote communities

b) need and servicing of civil legal problems on Indian reservations.

BRANT:

(1) Area Director personally conducts legal aid clinics on Monday and Thursday afternoons (since 1967).

*(2) Area Director has proposed weekly or bi-weekly clinic in Community Hall on Six Nations Reserve (imminent).

CARLETON COUNTY:

5 centres located in facilities of social agencies or public buildings (since March 1971 in Lower Town, Ottawa). Centres all located in or near Ottawa city.

ESSEX COUNTY:

* Area Director and Area Committee considering location of clinic in Drouilland Road Community Centre now under construction. Possible mode of co-operation with University of Windsor Law School is also being considered.

FRONTENAC COUNTY:

* Queen's Students Legal Aid society currently operates a clinic on Montreal Street in Kingston. Professor Ryan recently expressed view that he would prefer to see students working out of a clinic operated by Legal Aid.

HALTON COUNTY:

* Area Director presently consulting with Oakville Social Planning Council which has proposed a multi-service centre. Possible involvement of civil duty counsel is being explored and Area Director will advise Provincial office of any proposals before implementation.

KENORA:

* Area Director, after consultation with Provincial office, has arranged for civil duty counsel to attend once weekly, on an experimental basis, at the White Dog (Islington) Indian reserve. The Duty Counsel involved is a lawyer already conducting a study for Civil Liberties Association. The range of problems encountered will be monitored for the Legal Aid Committee's C.L.S. review.

Area Director will be forwarding correspondence setting out details of this proposal but is proposing to pay duty counsel mileage (reserve is 70 mi. from Kenora) and a per diem rate of $30,000. It is presently contemplated that the lawyer will attend on the reserve on Mondays (for civil liberties purposes) and on Fridays (as duty counsel) being remunerated by Legal Aid only for the Friday visit.

MIDDLESEX:

Duty Counsel attends once each month at Crouch Neighbourhood Resource Centre — 7 to 10 p.m.

MUSKOKA:

*Area Director and Chairman of Muskoka Area Committee have proposed a six week pilot project involving the placement of a civil duty counsel one night a week in the United Church Social Centre, Bracebridge, for six to eight weeks. The project is to be monitored and evaluated at the end of that time.

The Muskoka Law Association has approved the project although the approval was not unanimous. Estimated cost of project is $400.

($300 for Duty Counsel fee; $100 advertising.)

NIPISSING:

*Area Director and Area Committee have given approval in principle to an experimental clinic in North Bay Courthouse once each week. They are canvassing local bar, articled students and Social Services Department and will submit proposed organizational details to Provincial Office when settled.

OXFORD COUNTY:

* Area Director has proposed multi-service (experimental) clinic to Council of Community Services in Woodstock to be open one evening per week. Planning is under way but organizational details are not available and scheme will not be implemented prior to submission to Provincial Office for approval.

PARRY SOUND:

* No Duty Counsel clinic activity but Area Director has asked to attend meeting of Northern Area Directors and expressed concern over extension of legal services to six neighbouring Indian reservations.

PETERBOROUGH COUNTY — Voluntary Program:

(Operates a voluntary legal advice clinic in conjunction with a Youth Information and Crisis Centre at local YMCA. Legal service is not restricted to youth. Fifteen members of local bar, on a rotating basis, operate the clinic one night each week. Eleven members of bar are "on call" to the people operating the centre twenty-four hours a day.)

PRESCOTT & RUSSELL COUNTIES:

* Area Director suggests, as a remote possibility, location of a clinic in Casselman area of Russell County to be serviced possibly by members of Carleton Law Association and U. of O. law students. No immediate need in Area Director's opinion.

RENFREW COUNTY:

Criminal duty counsel on circuit with Provincial Court are giving some civil advice and entertaining applications for civil as well as criminal legal aid.

TEMISKAMING:

* Area Director has approached several members of bar who have agreed to cooperate in opening a legal aid clinic two evenings a week. Organizational details are not yet fully available, but Area Director has matter under serious consideration.

WELLAND COUNTY:

(Area Director does not see any immediate need for clinical activity at present time but suggests that we "consider some day" the establishment of community legal aid centres in Niagara Falls and Welland. Area Director feels the existing plan should receive more publicity in this area.)

WELLINGTON COUNTY:

* Wellington Law Association has agreed to cooperate with the Guelph Community Services Council in the provision of a lawyer one night a week to provide legal advice and summary legal assistance and to act as civil duty counsel, but on a voluntary basis.

WENTWORTH COUNTY:

Since November 1971, the Area Director has arranged for civil duty counsel to attend at the Victoria Park Community organization facilities each Tuesday evening.

YORK COUNTY:

12 Community Legal Aid centres operating out of facilities of existing social organizations or public buildings. York County office maintains full time interviewing counsel and remains open two nights each week.

* Two further centres are proposed:

a) in Elizabeth Fry facilities on Wellesley Street and

b) at the Fairview shopping mall.

No further centres are proposed in Metro until a more complete analysis of the results is available.

Lyle S. Fairbairn

*Proposed

THE REPORT WAS ADOPTED

Convocation adjourned for luncheon at 12:30 p.m.

The Treasurer and Benchers entertained as their special guest at luncheon Professor John Willis, Q.C., of the Faculty of Law, University of Toronto.

Convocation resumed at 2:30 p.m., a quorum being present.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 9th day of March, 1972 at 9:15 o'clock in the morning, the following members being present:

Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Bowlby, Cartwright, Cory, Fitz-Gerald, Grange, Krever, Lochead, MacKinnon, Morden, Pallett, Seagram, Slemin, Strauss and Thom.

1. RULING 3 — TOUTING, ADVERTISING AND SOLICITING

A law firm in the Toronto area, having been approached by an association of realtors to donate a trophy, to be given at the latter's annual golf tournament, asked for guidance. Your Committee instructed the Secretary to advise that in its opinion, any member of the legal profession by donating such a trophy, would be contravening the provisions of Ruling 3 of the Rules of Professional Conduct.

2. MISCELLANEOUS

(a) There was before the Committee correspondence from the President of a local law association concerning a company which, according to the information supplied, is involved in the business of financing divorces. From the material before the Committee, it would appear, however, that there could be overtones of steering, fee splitting and a participation in unauthorized practice, in so far as the profession is concerned. A sub-committee, composed of Mr. J. W. Morden as Chairman and Messrs. Cartwright and Grange, has been appointed to draft a letter with respect to this company that the Committee could recommend to Convocation be sent to members of the profession.

(b) A lawyer, who is qualified to practise in both Ontario and an adjacent province, asked your Committee whether it would be possible for him to close out the trust account he maintains in Ontario, transferring this fund to the trust account he maintains in the other province. The Secretary was instructed to advise that until some form of reciprocal arrangements could be worked out between Ontario and the province concerned whereby the Society would be able to enforce its investigative powers concerning trust accounts in the other province, the arrangements as contemplated, would not be acceptable.

(c) A local law association has asked whether it would be possible for it to hire a disbarred lawyer as its Head Librarian. Your Committee was of the opinon that there was no ruling of Professional Conduct that would forbid this being done.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th day of March, 1972, the following members being present: Messrs. Steele (Chairman), Grange, Harris and Seagram, and Miss R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

Mr. D. L. Campbell, Q.C., Toronto, has donated a total of 261 volumes, consisting of 66 volumes of the *Statutes of Ontario* between 1889 and 1952; 62 volumes of the *Statutes of Canada* between 1904 and 1960; 89 volumes of the *Law Times* from v. 41, 1879/80 to v. 129, 1923; and 40 miscellaneous volumes.

Mr. Brian W. Morison, Barrister & Solicitor, Hamilton, has donated a toal of 47 volumes, consisting of *Grants Chancery Reports* (29 v.); *Miscellaneous English Reports* (7 v.); and other unbound material. *Noted*

LIBRARY STAFF: SUMMER HELP

Your Committee had before it the request of the Chief Librarian for permission to engage as many as five part-time assistants (if necessary) to help with the relocation and cleaning of books during the summer months. *Approved*

MR. JOSEPH WILLIAMS

Your Committee had before it a letter dated 6th March, 1972, from Mr. Joseph Williams requesting permission to use the Great Library for legal research. Mr. Williams' letter advised that he is engaged in the preparation of a course of study called "Legal Investigation" for Ryerson Polytechnical Institute. Mr. Williams is a former member of the Law Society.

Your Committee recommends that Mr. Williams' request be denied.

BOOK LIST

A list of books which have been ordered for the Great Library was approved. *Approved*

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their Annual Returns. The amount which each should receive under the Rules for the year 1972 and the amount received in 1971 are as follows:

		1972		*1971*
Brant		$1,915.00		$1,880.00
Carleton		2,000.00		2,000.00
Cochrane	$1,360.00		1,445.00	
Less payment on loan	300.00	1,060.00	300.00	1,145.00
Grey		1,565.00		1,355.00
Hamilton		2,000.00		2,000.00
Huron		760.00		760.00
Kenora		750.00		750.00
Kent		2,000.00		2,000.00
Northumberland and Durham		1,495.00		1,460.00
Oxford		1,425.00		1,460.00
Rainy River		750.00		750.00
York		3,500.00		3,500.00

Approved.

Reporting

Ontario Reports: Summaries Of Reasons for Judgment

Your Committee recommends that subject to the approval of the Judges' Library Committee, the blue pages in the weekly issues of the Ontario Reports be numbered consecutively from the first of the year to the end of the year.

Ontario Reports: Bar Admission Course Students

Convocation in February 1972 approved your Committee's recommendation that the Law Society provide the weekly issues of the Ontario Reports to those students in the Bar Admission Course who want the Reports and at the students' expense.

Subject to the approval of the Finance Committee and the Legal Education Committee, your Committee recommends that a charge be made of $12.00 per student for the Reports for the sixteen-month period beginning 1st September, 1972, to 31st December, 1973.

It was moved and duly seconded that the Report be amended to provide that Mr. Joseph Williams be allowed to use the Great Library. *Carried.*

THE REPORT AS AMENDED WAS ADOPTED

Your Committee met again on Friday, the 17th March, 1972, the following members being present: Mr. Steele, Chairman, Messrs. Carley, Seagram, Strauss, Wallace and Miss McCormick.

Re: ONTARIO LAW REPORTS, VOLUMES 1 — 66

Convocation in February 1972 adopted your Committee's recommendation that Canada Law Book Limited be permitted to reprint the above volumes, subject to a suitable contract being negotiated. The Chairman and Vice-Chairman have since met with the President of Canada Law Book Limited and discussed terms.

Your Committee recommends that counsel now be engaged to advise it in this matter.

Your Committee recommends that Canada Law Book Limited be authorized to publish in the Ontario Reports amendments to the Rules of Practice as they occur, at the Society's expense.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th day of March, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, FitzGerald, Steele, Trepanier and White.

1. On the 18th of February 1972, Convocation approved, as a matter of principle, the employment of "agents provocateurs" in unauthorized practice and discipline investigations. As a result of a number of letters received from members of the profession commenting unfavourably on this subject, your Committee has given further consideration to it.

It is your Committee's view that there may be occasions when it is necessary to use an "agent provocateur" in the investigation of complaints of unauthorized practice.

2. A file concerning a notary public acting on real estate transactions was referred to Counsel for investigation and report.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. Lochead

Your Committee met on Thursday, the 9th day of March, 1972 at 11:45 a.m., the following members being present: Mr.

Lochead (in the Chair) and Messrs. H. E. Harris, Krever, Morden and White. Mr. Robert Smylie of R. T. Smylie & Company Ltd., Public Relations Consultants, attended at the invitation of the Chairman.

NATIONAL PUBLIC RELATIONS PROGRAMME

The Canadian Bar Association has submitted an account of $4,000 to cover the Society's contribution to the National Public Relations Programme for 1972.

Convocation approved in May of 1971 of the Society participating in the National Programme for one year and approved of $4,000 being contributed. In a letter from Mr. Merriam dated the 31st of June, 1971 it was indicated that it would be open to all parties to the National Programme to re-assess and review it at the termination of the first period.

The matter is before the Committee.

Your Committee recommends that the arrangement with the Canadian Bar Association be continued this year.

COMMUNIQUE NO. 2

The Treasurer has received a number of telephone calls and other responses to the Communiqué and the Secretary received 27 letters. Most letters either questioned or opposed the employment of "agents provocateurs", criticised the establishment of the pilot project in connection with Legal Aid and gave helpful views respecting the question of the incorporation of law practices. Copies of all correspondence have been supplied to the Treasurer and appropriate Committee Chairmen.

The Communiqué appears to be performing its function of advising the profession of current developments and eliciting their views for the assistance of the Bench. *Noted*

REAL ESTATE — PURCHASERS TO BE ADVISED OF POSSIBLE FUTURE DEVELOPMENTS

The Mississauga Town Council passed the following Resolution:

"WHEREAS the Town of Mississauga employs procedures to acquaint prospective house purchasers and their representatives with full information on existing and proposed zoning in the Planning Area;

AND WHEREAS these arrangements rely upon the transmission by representatives of pertinent information to prospective house purchasers prior to the closing of such purchases;

AND WHEREAS there have been many instances in which the purchasers of homes did not appear to have received information relative to the location of apartment, multi-family and shopping centre development information that could have a pronounced effect on the decision of whether or not to purchase;

NOW THEREFORE BE IT RESOLVED that the Law Society of Upper Canada be requested to cooperate in this matter by asking its members to inform house purchasers of possible future developments in the general vicinity where homes are being acquired, information which is readily available from the Town of Mississauga Planning Board."

The Treasurer feels the Society should cooperate as far as possible and has suggested that the matter be considered by the Public Relations Committee.

Your Committee recommends that the matter be referred to the Peel, Halton and York County Law Associations.

PAMPHLET — YOU AND YOUR LAWYER

The Society has for some time kept supplies of the pamphlet "You and Your Lawyer" which have been distributed from time to time. The section on Legal Aid has been reviewed and up-dated by the Provincial Director. The other sections should be reviewed and brought up-to-date if the pamphlet is to be reprinted.

THE REPORT WAS ADOPTED

SPECIAL CALL TO THE BAR AND CERTIFICATE OF FITNESS —

The Honourable Otto Emil Lang, Minister of Justice and Attorney General of Canada.

Moved by Mr. MacKinnon, seconded by Mr. Gray, that pursuant to Section 28, Rule 48 of The Law Society Act 1970, the Honourable Otto Emil Lang, P.C., be Called to the Bar of Ontario on Friday, the 24th day of March, 1972. *Carried.*

NEW BUSINESS

The Treasurer referred to a letter from the Department of Financial and Commercial Affairs relating to the question of prepaid legal costs insurance.

Moved by Mr. MacKinnon, seconded by Mr. Cass, that the matter be referred to the Professional Conduct Committee for consideration and report. *Carried.*

CONVOCATION THEN ADJOURNED

Read in Convocation and confirmed this 21st day of April, 1972.

"SYDNEY L. ROBINS"
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, March 24th, 1972
11 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Bales, Borins, Carley, Cass, Chappell, Evans, Finlayson, Gray, Krever, Levinter, Lochead, Maloney, Martin, MacKinnon O'Brien, Pattillo, Seagram, Sheard, Slemin, Strauss, Trepanier and Wallace.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Friday, the 24th March, 1972 at 10:45 a.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Carley, Cass, Finlayson, Gray, Krever, Pattillo and Sheard.

EXAMINATION RESULTS — THIRTEENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examination is before the Committee, showing that 26 have passed with Honours, another 485 have passed and 16 have failed.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Friday, the 24th March, 1972 at 10:30 a.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Lochead, Pattillo, Seagram and Sheard.

SPECIAL CALL TO THE BAR AND CERTIFICATE OF FITNESS — MINISTER OF JUSTICE

BY RESOLUTION OF CONVOCATION 17TH MARCH, 1972

The Honourable Otto Emil Lang, P.C.

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

A list is submitted of 499 candidates who have successfully completed the Thirteenth Bar Admission Course, have filed the necessary documents and paid the required fee of $210.00 and who now apply for Call to the Bar and to be granted Certificates of Fitness.

Approved

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON WRIGHT COMMISSION ON POST-SECONDARY EDUCATION IN ONTARIO

On motion duly made, the Special Committee was given authority to submit their report to the Commission directly, if necessary.

HONORARY CALL TO THE BAR

The Secretary presented to the Treasurer and Benchers for Call to the Bar —

The Honourable Otto Emil Lang, P.C.,
Minister of Justice and Attorney General of Canada.

The Treasurer conferred upon Mr. Lang the degree of barrister-at-law and called him to the Bar of Ontario.

The Honourable Dalton A. Bales, Q.C., Attorney General of Ontario, announced the appointment of the Honourable Otto Emil Lang as One of Her Majesty's Counsel Learned in the Law in Ontario, and presented him with his patent.

CONVOCATION THEN ADJOURNED, and the Treasurer and Benchers proceeded in a body to Court Room No. 20, New Court House, where the Honourable Otto Emil Lang, P.C., Q.C., was presented to Chief Justice Gale, and was permitted to take the usual oaths and to sign the rolls in the presence of the Court.

The Treasurer and Benchers entertained at luncheon the Honourable Otto E. Lang, P.C., Q.C., Minister of Justice and Attorney General of Canada; The Honourable G. A. Gale, Chief Justice of Ontario; The Honourable Dalton C. Wells, Chief Justice of the High Court; The Honourable Mr. Justice Morand; The Honourable Mr. Justice Dickson of the Supreme Court of Manitoba; The Honourable Dalton A. Bales, Q.C., Minister of Justice and Attorney General of Ontario; His Honour Chief Judge Bennett; Mr. J. C. MacDonald, Director of the Bar Admission Course, and Mr. Cuthbertson, Secretary to Mr. Lang.

The Treasurer and Benchers and their guests then proceeded to O'Keefe Centre.

CONVOCATION RESUMED at 2:00 p.m. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the Thirteenth Bar Admission Course, a quorum being present.

The body of the threatre was occupied by the graduates of the Bar Admission Course, their families and friends.

The Treasurer introduced the Honourable Otto E. Lang, P.C., Q.C., who addressed the assemblage.

The Honourable Mr. Lang then presented the Treasurer's Medal to —

Harvey Allan Shapiro

and the following Scholarships and Prizes:

The Roland O. Daly Scholarship, and The International Academy of Trial Lawyers Prize for Civil Procedure — Harvey Allan Shapiro.

The Law Society Prize, and The Arthur Wentworth Roebuck Award for Family Law — Gordon John McCay.

The Law Society Prize — Earl Irwin Miller.

The Law Society Prize — Joel Shafer.

The Criminal Procedure Prize — John David Watt.

The Commercial Law and Company Law Prize — William Joseph, Vincent Sheridan.

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning: First Prize, Jeffrey Joseph Fineberg; Second Prize (Tie), Ronald Graeme Slaght, Miriam Debra Isenberg.

The Lady Reading Club Prize — Miriam Debra Isenberg

and congratulated the following who have been given special appointments:

Law Clerk to the Honourable George A. Gale, Chief Justice of Ontario — Michael Joseph Neville.

Law Clerks to the Honourable Dalton C. Wells, Chief Justice of the High Court of Ontario — Eric Roy Finn, Raymond Irvine Smith.

Law Clerk to His Honour Chief Judge Colin E. Bennett, Chief Judge of the County and District Courts for the Counties and Districts of Ontario — John Rattray McGregor.

CALL TO THE BAR

Mr. R. W. Cass, Q.C., Chairman of the Admissions Committee, then presented to the Treasurer and Benchers the candidates for Call to the Bar:

The following have passed with Honours:

1. Harvey Allan Shapiro — Awarded the Treasurer's Medal; The Roland O. Daly Scholarship; The International Academy of Trial Lawyers Prize for Civil Procedure.
2. Gordon John McCay — Awarded The Law Society Prize; The Arthur Wentworth Roebuck Award for Family Law.
3. Earl Irwin Miller — Awarded The Law Society Prize.
4. Joel Shafer — Awarded The Law Society Prize.
5. Miriam Debra Isenberg — Awarded the S. J. Birnbaum, Q.C., Scholarships for Estate Planning, Second Prize (Tie) ; The Lady Reading Club Prize.
6. Edward Burstein
7. George Charles Glover
8. Raymond Philip Quinlan
9. Francis David Pickering
10. Harold Francis Caley
11. Raymond Herman Raphael
12. Elinore Jean Richardson
13. James Robertson Collins
14. Michael David Baker
15. Neil Howard Harris
16. Stanley Bernard Stein
17. Ronald Graeme Slaght — Awarded the S. J. Birnbaum, Q.C., Scholarship for Estate Planning, Second Prize (Tie).
18. Hendrik Keesmaat, James Alan Hodgson
20. Robert Alexander Blackburn
21. Paul Arne Gordon, Terrill Carleton Jameson
23. Jeffrey Joseph Fineberg — Awarded the S. J. Birnbaum, Q.C., Scholarship for Estate Planning, First Prize.
24. Kenneth Belton Payne
25. Leslie Gerald Dollinger, Frank Loconte

The following have passed:

Robert Bernard Aaron
Rosalie Silberman Abella
Murray Melvin Ages
Robert Arthur Alexander
Louis Simon Allore
Sheldon Leonard Altman
Henry Altschuler
William Anthony Amadio
Elizabeth Lynn Anderson
Robert Thomas Anderson
Jeffrey Gordon Andrews
Stanley Jonah Arbus
Peter Douglas Archibald
Raymond Douglas Archibald
Vidas John Augaitis
Michael William Bader
John Walter Bailey
Gordon Roy Baker
Michael Laverne Baker
Daniel Stephen Joseph Bangarth
Henry Bank
James Wilmoth Baribault
Robert Frederick Barnes
Donald Bennett Bayne
Robert Anthony Beccarea
Alfred John Belecky
Glen Wesley Bell
Pamela Leigh Belyea
William John Bennett
Hyman Bergel
Melvyn Bernard Bergman
John Hillyard Raymond Bett
George Andrew Biggar
Margaret Joyce Black
James Milton Bond
George William Bonn
Steven Myles Bookman
Uldis Boriss
Robert Michel Bourassa
John Robert Boxma
John Knutson Bracken
Stephen Dennis James Braithwaite
James Arthur Bridle
Lee Katherine Bridle
David Lorne Brisbin
Bertram Edward Brophy
Wallace John Brown
Kenneth Ross Bruce
Howard Stanley Buckman
Joseph Bulwa
Robert Douglas Butterworth
Eric Reginald Button
James Frederick Edward Byerley
John Philip Stephen Byrne
Robert Alan Calder
David Dov Cale
Vincent James Calzonetti
Colin Laverne Campbell
Jean Paterson Carberry
Gordon Bain Carmichael
Frederick Lyman Carruthers
Bruce Alexander Carson
John Andrew Carter
Michael Brant Carter
Brian Edgar Cass
Philip Castrodale
David Edgar Cavill
Elizabeth Joan Champlin
Krishan Kumar Channan
Ronald Gordon Chapman
Jayant Chauhan
Jack William Chong
David John Christie
James William Christie
Allan Edward Clark
Terence Lee Clarke
William Robert Clayton
Joel Louis Cohen
Robert Cohen
Thomas Edward Cole
Anthony Ralph Collins
Russell Alfred Colvin
Brian Firth Corbett
Donald Frederick Cords
Donald Gordon John Cormier

John Vincent Cosman
Paul Douglas Courtice
Harold John Cox
Norman Albert Crawford
Donald James Cresswell
Kenneth George Crompton
John Ronald Culley
Laurence Robert Cutler
Harold Allen Dale
Kenneth Bull Danson
Gordon Douglas Deeks
Robert George Silvio Del Frate
Paul Joseph De Villers
Charles Grant Dickie
Brian Henry Dickson
Norman Direnfeld
William Bryan Archibald Donaldson
Kevin Regan Dore
Roderick Gordon Dougherty
Ian Millen Douglas
Maurice Paul Downs
Irwin Albert Duncan
Thomas Seymour Dungey
James William Dunlop
Harry Erlichman
Kenneth George Evans
Marvin Keith Evans
Richard Lewis Evans
Ernest Larry Eves
Paul Joseph Evraire
Shaul Isaac Ezer
David Donald Farb
Alan Earle Farber
Klemens Fass
Bernard Feintuch
Richard Alan Fellman
Donald Sanders Ferguson
Eric Roy Finn
Barry Melvin Fish
George Flak
Robert William Flood
Kenneth Melvin Fong
Malcolm Blake Ford
Benedict Fredrick Fortier
Howard Lawrence Fox
John Paul Francis
Donald Lorne Fuller
Hugh Hilliard Galbraith
Lawrence Edmund Gallagher
Donald Alan Gardner
Bertram Roderick Garrett
Jack Alan Gaum
Thomas Daniel Nelson Gaum
Raymond Michael Gelgoot
Susan Marie Gibson
Paul Perry Ginou
Charles Stephen Glithero
Michael Donald Godfrey
Brian Bernard Gold
Neil Leslie Gold
Stanley David Goldberg
Arnie Isaac Goldstein
David Michael Goodman
Kenneth Goodman
Michael Howard Goodman
Jeffrey William Gordon
John Burton Gorman
Terrance Arthur Joseph Goudie
Max Andreas Gould
Ted Arthur Gower
Gordon Brownhill Graham
James Anderson Graham
Leonard Graholm
William Alexander Grange
Michael Ross Gray
Blair William Green
Maurice Alan Green
Stewart Edward Green
William Leonard Matthew Greene
Gerald Stanley Gringorten
Monty Gula
John Edward Hamilton
Robert James Hamilton
Timothy David Hammill
Kenneth Ronald Harris
William Albert Harrison

Peter Cornelis Hart
James Sheffield Hauraney
Naaman Merrill Helfield
Barnaby Lee Henderson
Ian Stuart Hennessey
Shaun Roderick Hennessy
Linda Marie Heyder
Henry Bruce Thomas Hillyer
John Russell Holmes
Philip Rice Alexander Hooker
Edward Pelton Hopkins
Edward Austin Horton
Edward Philip Horton
Stevens Douglas Horton
William Charles Hoskinson
Ivor Martin Hughes
David Ceri Hugill
Larry Steven Humenik
John MacDonald Hughes Huxley
Paul Michael Iacono
Alan Lyness Irwin
Alvin Isenberg
Donald Malcolm Jamieson
Joseph John Janoscik
Rudy Janoscik
Allaudin Hassanali Jinnah
James Henry Johnson
Alan Everitt Johnston
Dennis Grant Johnston
John William Patrick Johnston
Allan Judd
Allan Irving Kaplan
Norman Michael John Karam
Raymond Kaufmann
Bernard Lawrence Kay
William Bruce Kerr
John Alexander Kilgour
Christoph Walter Kilian
Ronald Seymour Kimel
Gregory Paul King
Gerald Harvey Kleiman
Anthony William Klymko
Kristopher Herbert Knutsen
Jerry Samuel Korman
Richard Andrew Kozlowski
Robert John Kram
Elaine Francie Krivel
Emile Raymond Kruzick
Donald Peter Kuyek
Aivar Kviesis
Alfred Morris Kwinter
William Albert Landon
Paul Norman Lannon
Lionel Chester Larry
Paul Robert Laurent
John Frederick Layton
Laurence Aryah Lebovic
Jean-Marc Lefebvre
Arthur Bryan Preston Leggett
Allan Leibel
Peter Michael Leich
Lawrence Edward Leonoff
Joseph Fernand Reginald Levesque
Hugh Arthur Levin
Larry James Levine
Alan David Levy
Peter John Lewarne
Harvey Michael Lewin
Albert Aldege Liboiron
Bernd-André Lichtenheldt
Robert David Lightbody
Scott Prentice Lindsey
Douglas Reid Lisso
Stanley Aaron Lithwick
John Richard Lockwood
Thomas Ronald Lofchik
Donald Clifford Loney
Douglas James Lord
John Mark MacDonald
Gordon MacKinnon
John David Maloney
Stanislaw Anthony Mamak
Alfred Anthony Mamo
Angelo Camillo Mancini
Peter Sanderson Mann
Dante Frank Marinelli

Frank Neal Stephen Marrocco
Stephen Boyd Marshall
Thomas David Marshall
Robert Michael Martin
Robert Stanley Martin
Douglas John Mathews
Guy Alexander Mattar
Edward Plaunt Mayhew
Albert Douglas McCallum
Brian McCann
Warren Bruce McCrea
David William McCulloch
Philip David McCullough
Daniel Jack McDonald
Hugh Davidson McDonald
Robert Ward McDowell
David James McFadden
Malcolm James McFarland
John Ernest McGee
Frederick William McGrath
John Rattray McGregor
Peter Thomas McInenly
George Douglas McIntyre
David Wallace McKay
Hugh Campbell McLachlan
Keith Ian McLean
Alexander Ian McMahon
Arthur Scott McMichael
William John McNaughton
John Sutherland McNeil
Ian Douglas Carlyle McPhail
James Gandier McPherson
Gerald Edward Meyerman
Bernard Norman Midanik
Robert Brian Miller
Ronald Paul Miller
Allan Clarence Millward
Blain William Milne
Morton George Mitchnick
George Arthur Moad
Robert Joseph Montague
John Donald Michael Morand
John Rhys Morgan
Michael John Moriarity
George Kelman Murray
Sidney Isabella Fraser Murray
William Peter Murray
Jack Emerson Myers
David Lawrence Nakelsky
Leonard Naymark
Morley Neinstein
Michael Joseph Neville
Ronald Douglas Noble
John George Norwood
Roger Grahame Oatley
Robert Marshall Orr
Russell James Otter, Jr.
Gary Gerard Ouellette
Hedley David Ovenden
Geoffrey Richard Lincoln Pacey
Victor Stephen Paisley
Victor Louis Palermo
Joel Richard Palter
John Hargrave Panter
Barry Thomas Paquette
Philip Michel Paquette
Glenn George Parker
Richard Herbert Matthew Parker
Lorne Edwin Parkhill
Joseph Brian Michael Parnega
Rueben Parnes
William Thomas Pashby
Andrew Paton
Donald Murray Paton
John William Peace
Robert Douglas Peck
Anthony Albert Peckham
Elizabeth Carol Peifer
William Alfred Nield Peneycad
Dennis Yale Perlin
Gordon Ernest Petch
Patricia Jean Peters
Joseph Anthony Pethes
Lloyd Anthony Pezze
Graham Frank Pinos

John Joseph Pizale
Jan Poot
Alan William Pope
Avrum Isaac Posluns
James Joseph Priddle
Gerald Thomas Pryal
Armas Pukala
Alan Richard Purser
David George Aarvik Purvis
Joseph William Quinn
Richard Norman Rafuse
Manfred Christian Rainer
Michael Carter Rand
Herbert Gordon Harry Rawding
Timothy Derek Ray
David Graham Rayner
John Herbert Reble
Michael Elliott Reed
Joseph Archibald Reichenbach
Stanley Reisman
Thomas Alan Richardson
Franklin Theodore Richmond
James Charles Riddell
Benjamin Albert Ring
Roger Girard Rivait
John Walter Robb
Ulrich Walter Roetzsch
Richard Frederick Logan Rose
Richard Wayne Rosenman
Kenneth John Ross
Alfred William Rubens
George Anthony Rubino
Henry Rusak
Peter William Rutland
John William Sabine
Marshall Sack
Shil Kumar Sanwalka
Robert Bruce Savage
Raymond David Schachter
Bernard Schneider
Martin Andrew Sear
Rodney William James Seyffert
Harvey Richard Shanbaum
Alan Douglas Sheffield
Patrick Andrewes Sheppard
William Graydon Sheppard
William Joseph Vincent Sheridan—The Commercial Law and Company Prize
Stephen Edward Sherriff
Gary Shiffman
Robert Marvin Shnier
Louis Michael Silverstein
Charles Simon
Morris Aaron Singer
Sheldon Joseph Skryzlo
Douglas Maynard Slack
David Paul Smith
Kenneth David Smith
Raymond Irvine Smith
Frances Myers Smookler
Barry Elliot Smurlick
David Frederick Smye
Jon David Snipper
Irving Snitman
Albert Melvin Sokolsky
Edward Sonshine
Solomon Spiro
Larry Spodek
John Robert Phillip Sproule
David Arnold Stein
Charles Robert Steinberg
Howard Steinberg
Irwin Steinberg
Stephen John Stepinac
William Howard Stone
James Blackwell Stratton
Wolfram William Stutz
Stanley Sukerman
Barbara Ann Fuyeko Suzuki
James Allen Sweetlove
Victor Edward Szumlanski
Wolfram Ulrich Tausendfreund

Edward Francis Charles Then
Lawrence Patrick Thibideau
Peter David Ticktin
David Roger Timms
Frank Joseph Tkach
Arno Jaakko Tolonen
Ronald Tomosk
Terrence Joseph Tone
Ernest Hugh Patrick Toomath
Meta Montgomery Tory
William Brian Trafford
Timothy Northgrave Trow
Richard Marshall Van Buskirk
Harry Rudolf Vanderlugt
Dennis Arthur Van Dyke
Johannes Anthonie Van Iperen
Charles Robert Vernon
David Russell Vickers
William Elwin Mooney Vince
Andrea Judith Walker
Jack Andrew Wallace
Edward Michael Walsh
Bruce Douglas Warner
Robert David Warren
Robert Gary Wasserman
Nigel Philip Watson
William David Watson
Gordon Lindsay Drayton Watt
John David Watt — The Criminal Law Prize
John Buchanan Watters
Wayne Robert Watterworth
Gerald Michael Weaver
George Stephen Weisman
Edmund Louis Wellhauser
Raymond Arnold Werry
Robert Grant White
Raymond Arthur Whitnall
Jerome Francis Wiley
John Colin Williams
David Stephen Wilson
James Douglas Wilson
William Earl Wilson
George Fairbairn Windsor
Dennis Harold Wood
Robert John Wood
John Joseph Francis Woods
Raymond Scott Wright
Marvin Yontef
David Stephen Zimmer

The Treasurer, Mr. Sydney L. Robins, Q.C., then conferred upon the candidates the degree of Barrister-at-law, and Called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar, and congratulated them on behalf of the Law Society of Upper Canada.

CONVOCATION THEN ROSE

Following Convocation a special sitting of the Supreme Court of Ontario was convened in the O'Keefe Centre with the Honourable G. A. Gale, Chief Justice of Ontario, presiding.

Mr. R. W. Cass, Q.C., presented the candidates to his Lordship who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

Chief Justice Gale then addressed the new Barristers.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new barristers, their families and friends at a reception in the main lounge at the O'Keefe Centre.

Read in Convocation and confirmed this 21st day of April, 1972.

"SYDNEY L. ROBINS"
Treasurer

MINUTES OF CONVOCATION

Friday, 21st April 1972
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Carley, Cartwright, Cass, Cassels, Cooper, Evans, Fennell, Finlayson, Goodman, Grange, Gray, Griffiths, H. E. Harris, Henderson, Howland, Krever, Levinter, Lochead, Maloney, O'Brien, Pallett, Pattillo, Raney, Seagram, Steele, Strauss, Thom, Trepanier, Wallace, White and Zahoruk.

The Minutes of Convocation of March 17th and of the Special Convocation of March 24th, 1972 were read and confirmed.

The Treasurer announced with regret that Mr. Hugh Johnston McLaughlin, Q.C., had died suddenly on the 13th April 1972 while holidaying in Athens. Mr. McLaughlin was Called to the Bar in 1918. First elected a Bencher in 1941 he served on many Committees as member and Chairman, and became an Honorary Life Member of the Law Society in 1967.

At Convocation on the 21st January 1972 the return of the name "Osgoode Hall" from York University under the terms of the agreement with York University was considered. The Treasurer and Chairman of the Legal Education Committee were empowered to discuss with officials of York University the return of the name "Osgoode Hall" to the Law Society, and report back to Convocation in three months or sooner.

The Treasurer requested that consideration of this matter be deferred to a later date, and Convocation concurred.

LEGAL EDUCATION COMMITTEE—Mr. Finlayson

Your Committee met on Thursday the 13th April, 1972 at 2:30 p.m. the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman, and Messrs. Borins, Carley, Cass, Cory, Finlayson, Grange, Gray, Griffiths, Henderson, Howland, Krever, Slemin, Sopha and White.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Report of Board of Review on Course Failures:

This report will be filed separately at the meeting of your Committee.

Your Committee recommends that the end of term report be supplied to all applicants except that on the last page the candidates' names be replaced by their examination number.

Report of Board of Review for Section on Estate Planning and Administration, Section on Criminal Law, Section on Landlord and Tenant and Section on Accounting:

These reports will be filed separately at the meeting of your Committee. *Received*

Call to the Bar:

498 candidates were called to the Bar at the Special Convocation in the O'Keefe Centre on the 24th of March. The balance of 13 out of a total of 511 graduates have requested deferment of their call until April or later. The new policy on deferred calls whereby candidates missing the regular call cannot be called until the next October will be enforced in this coming term. The term began with 530 candidates. One withdrew before the first examination and two others withdrew after writing most of them, but obtaining a poor showing. Sixteen candidates were unsuccessful and failed.

Noted

Petitions of Unsuccessful Candidates in the Bar Admission Course:

All candidates who were unsuccessful in completing the Bar Admission Course were advised of their right to petition your Committee by way of Appeal from the decision of the Board of Review. They were also advised that petitions should be filed in the Secretary's office by the 6th of April in order to be on the Agenda for the April meeting of your Committee. At the time of writing four petitions have been filed, but more are expected. Those petitioners who attended at this office for interviews or who telephoned were further advised that it was unlikely that the petitions would be heard on this date. The petitioners will require directions from your Committee on the procedure to be followed and the date of hearing.

Your Committee recommends the petitions be heard and considered beginning at 9:30 a.m. Monday, the 24th April, 1972 in Convocation Room.

Retirement of Co-Chairman of Section on Corporate and Commercial Law:

Because of the pressure of other commitments, H. Purdy Crawford, Q.C., has resigned as one of the heads of this section. He has served in this position with distinction and his departure is regretted both by the Bar Admission Course and his co-head, Mr. John D. Ground. A replacement to continue the leadership of the Section with Mr. Ground should be sought out and we respectfully request suggestions from your Committee.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 13th April 1972 at 2:00 p.m. the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Cartwright, Cooper, Grange, Lochead, MacKinnon, Seagram, Slemin and Sopha.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidates have successfully completed the Thirteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00, and now apply for Call to the Bar and to be granted a Certificate of Fitness:

James Reid Duncan
George Schnall
Frank Borgatti
John Atkins Crossingham
Gerald Ian Leckie
Gunter Vordemberge
Nadia Adele Vordemberge
William George Whittaker

Approved

CALL TO THE BAR FOR OCCASIONAL APPEARANCES

Your Committee approved the applications of *Jack Morley Chapman, Manitoba,* and *Norbert Losier of Quebec* to be allowed to proceed under Regulation 10 concerning Occasional Appearances in Ontario of lawyers from other Provinces, and that upon giving the necessary undertakings they be called to the Bar and admitted as Solicitors.

UNITED KINGDOM AND COMMONWEALTH TRANSFERS

Applications for transfer to practice in Ontario under Regulation 5(1) were considered and approved from two United Kingdom Solicitors. An application from an Advocate of the High Court of Tanzania to proceed under Regulation 7 was approved.

PETITIONS

Your Committee considered two petitions for admission as students-at-law in the Bar Admission Course. One was approved; the second, to be exempt from the articling period, was refused.

TRANSFER REGULATIONS — AMENDMENTS

On the 19th February 1971 Convocation approved the revised transfer regulations which were then transmitted to the Attorney General with the request that the Lieutenant-Governor-in-Council be asked to approve them as amendments to the Regulation passed under The Law Society Act, 1970. The Legislative Counsel has made some minor alterations in the drafting which do not affect the sense. He has had them re-engrossed for formal approval by the Society.

Your Committee recommends that formal approval be given by Convocation.

COMMONWEALTH EXAMINATIONS

The following candidate was approved by the Committee to proceed under Regulation 7 and sat the required examination in India.

The examination was identified only by number and a Report of the examiners is as follows:

Candidate	Paper #	Marks out of 100
032	1	38
	2	42

Your Committee recommends the applicant be advised that he failed to attain pass standing in the examination.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Beament

Your Committee met on Thursday, the 13th April 1972, the following members being present: Mr. Gray (Chairman), and Messrs. Cartwright, Fennell, Henderson, Howland, MacKinnon, Pallett, Trepanier, R. F. Wilson and Zahoruk.

Accounts

The Secretary reports that from the 1st March to the 31st March 1972 accounts, including Library Accounts, properly approved, to the amount of $137,276.51 have been paid.

Approved

Financial Statement, 1st September 1971 to 31st March 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1971 to the 31st March 1972. *Approved*

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointment to judicial office, and their membership in the Society is in abeyance:

George F. Gardner, Q.C., Owen Sound	Called — 21 June 1945. Appointed County Court Judge, Lambton — 23 March 1972
Kenneth H. C. Fogarty, Q.C., Ottawa	Called — 29 June 1948. Appointed County Court Judge, Carleton — 23 March 1972
Thomas L. Docherty, Windsor	Called — 10 April 1964. Appointed Provincial Judge (Family Div.), Essex County, March 13, 1972
William F. Fitzgerald, Sudbury	Called — 25 March 1966. Appointed Provincial Judge (Crim. Div.), District of Sudbury, March 13, 1972
Patrick D. White, Ottawa	Called — 10 April 1964. Appointed Provincial Judge (Crim. Div.), Ottawa-Carleton District, 13 March 1972
John L. Clendenning, Toronto	Called — 22 March 1968. Appointed Provincial Judge (Crim. Div.), Hastings County, 20 March 1972

Noted

Deaths

The following members have died:

Gordon Oliver,	Called — 7th April 1961
Toronto	Deceased — 9th May 1969
William A. Donovan,	Called — 18th September 1941
Chatham	Deceased — 2nd December 1971
William P. Harvie,	Called — 17th June 1921
Ottawa (Honorary Life Member)	Deceased — 29th January 1972
Edmund I. Hall, Q.C.,	Called — 29th June 1948
Ottawa	Deceased — 26th February 1972
Herbert W. Metcalf, Q.C.,	Called — 17th February 1949
Brampton	Deceased — 3rd March 1972
John W. McManamy, Q.C.,	Called — 19th May 1921
Thorold (Life Member)	Deceased — 13th March 1972
Hon. Harry A. Willis, Q.C.,	Called — 20th June 1929
Toronto	Deceased — 23rd March 1972
Helen B. McK. Tedman,	Called — 28th September 1950
Toronto	Deceased — 25th March 1972
Angus McK. Dewar, Q.C.,	Called — 22nd May 1914
Toronto (Honorary Life Member)	Deceased — 4th April 1972.

Noted

REINSTATEMENT — *Bruce A. E. Clouse, Windsor*

The application of Mr. Clouse for reinstatement was before the Committee in March 1972.

Your Committee recommends that he be advised that his Annual Certificate will be issued upon payment of all arrears of fees, plus the levy for Errors and Omissions Insurance.

ARREARS OF ANNUAL FEES

Under Section 36 of The Law Society Act 1970, if a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment is due, he is liable to suspension for non-payment of fees. On or about January 20, 1972 a Final Notice of Overdue Fees — 1971-72, was mailed to those members in arrears at that time. The following members are still in arrears:

Brown, Dennis W., c/o N. J. Brown, 36 Edenbrook Hill, Islington — $150.

Chretian, John J., 1911 Jefferson Davis Highway, Ste 907, Arlington, Virginia, 22202, U.S.A. — $120.

Cullen, Robert C., P.O. Box 1, 65 Queen St. W., Toronto — $150.

Dika, Peter J., 861 College St., Toronto 2 — $150.

Friedgut, Abraham H., Q.C., c/o York County Legal Aid, 73 Richmond St. W., 2nd Floor, Toronto—$150.

Hall, P. D. H., 571 McLeod St., Ottawa — $484.

Harrington, James P., c/o Attorney General's Dept., Parliament Bldgs., Victoria, B.C. — $120.

Litwin, Lew W., 575 Queen St. W., Toronto 2B — $150.

Mackay, Gordon Ross, 519 Jarvis St., Ste 100, Toronto — $150.

McDade, Bruce R., 293 Newlands Ave., Sydney, N.S. — $120.

McLeod, Daniel E., c/o Gerling-Global Insurance Co., 480 University Ave., Toronto — $150.

Plaxton, James O., Q.C., Box 143, Aurora — $150.

Powell, W. Hughson, Q.C., 40 Kingsway Blvd., Grimsby — $150.

Russell, Peter E., 55 Carfrae St., Apt. 115, London — $150.

Your Committee recommends that the above members be suspended from practice for one year and from year to year thereafter or until their arrears of fees are paid.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved

ERRORS AND OMISSIONS INSURANCE

When the Committee met in March, approximately 2700 members had failed either to apply for exemption or coverage under the Society's Errors and Omissions plan. This was mentioned in the March Communiqué. Since then a large number of applications have been received, but there are still approximately 1200 who have not complied.

Your Committee recommends that those who are delinquent in applying either for exemption or for coverage under the Errors and Omissions Insurance plan, be advised by letter that they will face suspension from practice if they do not comply with the Society's rules in this regard by the end of May 1972.

DEDUCTIBLE EXPENSES — *Attendance at Continuing Education Programmes*

The tax authorities have refused to allow as a deductible expense the cost lawyers incur in attending Continuing Education Programmes. The question has been raised in correspondence, and Mr. Stuart Thom was asked to consider the matter. In a letter of March 3, 1972 he has suggested that the Society should explore a submission to the authorities in Ottawa with a view to obtaining a regulation or directive to the District Offices authorizing the deduction of expenses incurred attending Law Society Continuing Education lectures. The material on the subject has been circulated to the members of the Finance Committee, and the matter is now before the Committee for consideration.

Your Committee recommends that a sub-committee of the Finance Committee be appointed, composed of Messrs. Henderson (Chairman), Thom and Pallett, to explore the submission of a brief.

THE REPORT WAS ADOPTED

ARREARS OF ANNUAL FEES — *Motion to Suspend*

Moved by Mr. Beament, seconded by Mr. Thom, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their fees are paid:

Dennis W. Brown, Islington
John J. Chretian, Arlington, Va., U.S.A.
Robert C. Cullen, Toronto
Peter J. Dika, Toronto
Abraham H. Friedgut, Q.C., Toronto
P. D. H. Hall, Ottawa
James P. Harrington, Victoria, B.C.
Lew W. Litwin, Toronto
Gordon Ross Mackay, Toronto
Bruce R. McDade, Sydney, N.S.
Daniel E. McLeod, Toronto
James O. Plaxton, Q.C., Aurora
W. Hughson Powell, Q.C., Grimsby
Peter E. Russell, London

Carried

DISCIPLINE COMMITTEE—Mr. Thom

Your Committee met on the 13th day of April, 1972 at 10:30 a.m., the following members being present: Mr. G. H. Lochead (Vice-Chairman) and Messrs. Borins, Bowlby, Cartwright, Cass, Cooper, Cory, Estey, Evans, Finlayson, Grange, Griffiths, Henderson, Krever, Levinter, Pallett, Seagram, Slemin, Strauss, Trepanier, Wallace and White.

1. It was drawn to the Committee's attention that on occasion when a complaint is being heard by the Committee, it appears that there has been negligence and/or misconduct on the part of a Chartered Accountant. Your Committee has instructed that where information has come into the possession of the Society indicating that there may have been professional misconduct and/or negligence, the matter be reported to the Institute of Chartered Accountants.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Beament

COMPENSATION FUND

For the Period 1st September, 1971 to 31st March, 1972

	Month of March 1972	*7 months ending 31st March 1972*		
Balance on Hand, 31st Aug. 1971				$1,324,373.74
Receipts				
Fees — 6446 @ $30.00	$1,410.00		$193,300.00	
Investment Income				
— Gov. of Canada	$1,125.00	$17,875.00		
— Guar. Dep. Interest	$2,022.01	$17,053.75		
— Bank Interest		$ 347.33	$ 35,276.08	$ 228,656.08
Recoveries				
— A. F. Blotti	—		$ 4,363.56	
— J. M. Godo	$ 100.00		$ 700.00	
— S. Resnick	—		$ 47,748.29	
— Shuttleworth	—		$ 400.00	
— Parisien	$4,522.04		$ 4,522.04	$ 57,733.89
	$9,179.05			$1,610,763.71
Disbursements				
Grants — Coleman (4)	$5,186.94	$ 6,686.94		
— Parisien (1)	—	$14,647.12		
— McGrath (1)	—	$ 2,396.44		
— Wineberg	—	$ 1,500.00		
— Card	—	$ 3,000.00	$ 28,230.50	
Counsel Fees, Reporters, etc.	$ 140.00		$ 11,472.31	
Annual Fee Refund	$ 30.00		$ 390.00	$ 40,092.81
	$7,822.11		Balance 31/3/72	$1,570,670.90

Outstanding Claims

Claims Outstanding 29th February 1972	$2,503,109.76
Received during month of March	—
	$2,503,109.76
Dismissed during month of March	—
Paid (Amount of Original Claim)	$ 5,771.82
Claims Outstanding 31st March 1972	$2,497,338.44

Blotti	— $ 539,680.00
Bowman	— $ 293,261.54
Caplan	— $ 995,301.38
Harris	— $ 519,749.90
	$2,347,992.82

Total Claims paid to 31st March, 1972 (774 on account of 79 former solicitors)	$2,447,230.69

THE REPORT WAS RECEIVED

Re: STEPHEN C. FRENCH, Q.C.

The Treasurer reported to Convocation the Judgment of Mr. Justice Osler granting an application for certiorari and prohibition made by Stephen C. French. His Lordship concluded that the members of the Discipline Committee who had participated in the Committee's decision, should not take part in the Convocation at which the Decision is considered.

Moved by Mr. Evans, seconded by Mr. Finlayson, that instructions be given to the Society's counsel to appeal the Judgment of Mr. Justice Osler.

Moved in amendment by Mr. Thom, seconded by Mr. Fennell, that the question of appealing be referred to the Treasurer in consultation with such other Benchers as he may select.

Carried

APPLICATION FOR OCCASIONAL APPEARANCE

Mr. Lawrence Corriveau, Quebec, has applied to proceed under Regulation 10 to be called to the Bar for the purpose of making an occasional appearance in a criminal matter in Windsor, Ontario, on the 1st May 1972. The application was received too late to be considered by the Admissions Committee.

Mr. Corriveau qualifies under Regulation 10, and has given the necessary written undertakings.

Moved by Mr. Cass, seconded by Mr. Steele, that Mr. Corriveau be called to the Bar and admitted as a solicitor under Regulation 10. *Carried*

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister at-law was conferred upon them by the Treasurer:

Frank Borgatti
James Reid Duncan
John Atkins Crossingham
Gerald Ian Leckie
George Schnall
Gunter Vordemberge
Nadia Adele Vordemberge
William George Whittaker

Under Regulation 10 — Occasional Appearance

Jack Morley Chapman — Manitoba
Lawrence Corriveau — Quebec
Norbert Losier — Quebec

DISCIPLINE COMMITTEE

Re: ROBERT W. STANLEY, Port Dover

Mr. Thom, Chairman, presented the Decision of the Discipline Committee.

Messrs. Cass, W. E. Harris, Morden, Pattillo and Trepanier, being members of the Discipline Committee which reached the Decision in this matter, were not present and took no part in Convocation.

Messrs. Gray and Maloney took no part in the proceedings and did not vote.

The Reporter was sworn.

The Solicitor attended with his Counsel, Mr. Claude Thomson.

The Decision of the Discipline Committee was read by the Secretary.

Convocation having heard submissions by Counsel on behalf of the Solicitor, accepted the Decision of the Discipline Committee which found Robert W. Stanley guilty of professional misconduct in that he

(a) contrary to paragraph 18(13) of the Regulation made under The Law Society Act, 1970, has failed to maintain at all times, particularly in the month of February 1971, sufficient funds on deposit in his trust bank account to meet his obligations to clients;

(b) on or about the 24th day of December 1970, paid the sum of $2,200.00, more or less, out of his trust bank account to one, J.S., contrary to paragraph 18(9) of the Regulation made under The Law Society Act, 1970;

(c) has failed to maintain his books and records in accordance with the requirements of paragraphs 19(2)(c) and 19(2)(e) of the Regulation made under The Law Society Act, 1970.

Robert Anderson, a Chartered Accountant on the staff of the Law Society, testified with respect to the results of his examination of the Solicitor's books and records which established that a shortage of $2,200.00 existed in the Solicitor's trust bank account in February 1971, and that the shortage resulted from a cheque in that amount written by the Solicitor against his trust account when it contained no funds. The investigation also disclosed that the Solicitor's books were not being properly maintained.

The Solicitor in his evidence disputed none of the facts, but explained that when he wrote the cheque which overdrew the trust account he believed he had a negotiable cheque to cover it from an insurance company.

The Committee recommended that the Solicitor be disbarred.

Counsel for the Solicitor did not challenge the findings of misconduct.

The Solicitor, his Counsel and the Reporter retired.

It was moved and seconded, that the Solicitor be suspended from practice for three months upon undertaking to Convocation that he will not engage in practice alone thereafter without the Society's permission.

It was further moved and seconded, that Convocation by order disbar Robert W. Stanley as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

It was moved and seconded, in amendment of the motion to suspend that there be a requirement that the Solicitor pay the Society's costs of $475.

The Solicitor, his Counsel and the Reporter returned.

The Solicitor and his Counsel were advised that the Decision of the Discipline Committee had been accepted and were informed of the motions before Convocation.

Mr. Thomson advised Convocation that the Solicitor is prepared to be limited to engaging in practice only in association with some other member or members of the Society. Mr. Thomson then asked Convocation to hear evidence from the Solicitor respecting one point in the Decision of the Committee.

The Solicitor, his Counsel and the Reporter retired.

It was moved and seconded, that the Solicitor's Counsel be invited to relate to Convocation the nature of the evidence the Solicitor could give. *Carried*

The Solicitor, his Counsel and the Reporter returned.

The Solicitor and his Counsel were advised of Convocation's decision of his application to call evidence. Mr. Thomson then told Convocation of the nature of the further evidence the solicitor could give. Mr. Thomson made further submissions.

The Solicitor and his Counsel, and the Reporter retired.

The motion to suspend, as amended, was carried.

The Solicitor and his Counsel were advised.

Re: GORDON ROSS MACKAY, Toronto

Messrs. Strauss, Cory and Grange, being members of the Discipline Committee which reached the Decision in this matter, were not present and took no part in Convocation.

The Reporter was sworn.

The Solicitor did not attend, though called for.

The affidavit of Bernard W. Atchison was filed as evidence of personal service upon the Solicitor of the Decision of the Discipline Committee, and of a notice that the matter would be dealt with by Convocation this day.

It was moved and seconded, that Convocation proceed to consider the matter. *Carried*

The Secretary read the Decision of the Committee, that the Solicitor is guilty of professional misconduct in that he

(a) failed to reply to letters dated July 6th, 1971 and July 20th, 1971 from The Law Society in connection with a complaint made by Mr. J.V.P.

(b) failed to reply to letters dated July 20th, 1971 and August 4th, 1971 from The Law Society in connection with a complaint made by Mr. R. M.

(c) failed to file with the Society on or before the 30th of November 1970, either a Report duly completed by a public accountant and signed by him in the prescribed form or a statutory declaration, contrary to Section 20 of the Regulation made pursuant to The Law Society Act, 1970.

(d) failed to maintain proper books, records and accounts as required by Section 19 of the Regulation made pursuant to The Law Society Act, 1970.

The Committee recommended that the Solicitor be suspended from practice for a period of six months and be required to pay the costs of the Society's investigation.

The Solicitor had not attended before the Committee and made no appearance before Convocation, nor did anyone on his behalf.

It was moved and seconded that the Decision be accepted.

Carried.

It was moved and seconded that Convocation by Order disbar Gordon Ross Mackay as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

A motion was then made and seconded that consideration of the motion to disbar the Solicitor be adjourned to the May Convocation, and that the Solicitor be advised of the Acceptance of the Decision of the Discipline Committee by Convocation and of the motion to disbar him, and that consideration of the motion stands adjourned for consideration at the May Convocation. *Carried.*

The Reporter returned.

The action of Convocation was made a matter of record.

Convocation adjourned for luncheon.

The Treasurer and Benchers entertained as their special guest at luncheon Her Honour Judge Janet Boland, recently appointed as a Junior Judge of the County Court for the Judicial District of York.

Convocation resumed at 2:30 p.m., a quorum being present.

SPECIAL COMMITTEE ON THE SHIRLEY DENISON BEQUEST—Mr. Cassels

Mr. Cassels, Chairman, reported orally that the Special Committee recommends to Convocation that the sum of $1250.00 be granted to retire the debts of a solicitor and that he be given $150.00 per month, subject to review by the Committee.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Wallace

Your Committee met on Wednesday, the 12th day of April, 1972, the following members being present: Mr. John D. Bowlby, Chairman, and Messrs. Common, Cory, FitzGerald, Griffiths, Killeen, Levinter, Lochead, Maloney, Morden, Poole, Trepanier and Wallace.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of February, 1972.

(b) The Director submitted recommendations with respect to writing-off balances owing by contributing clients pursuant to Section 98(2) of the Regulation. These write-offs have been reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 11 months ended February 29th, 1972.

(b) G. E. Wallace, Q.C. was appointed by the Committee to review and make recommendations with respect to leases for the various legal aid offices.

The leases listed below have been reviewed and approved by Mr. Wallace and by John D. Honsberger, Q.C., on behalf of the Law Society. The leases have also had the approval of your Committee.

i) *County of Peel* — 24 Queen Street East, Brampton — 5 years — May 15, 1972 to May 14, 1978 — $298 per mo.

ii) *County of Simcoe* — County Bldg. 114 Worsley Street, Barrie — 1 year — December 1, 1971 to November 1, 1972. — $173.50 per mo.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for three months ended March, 1972.

(b) The Legal Accounts Officer submitted a report for the month of March, 1972 with respect to reviews and appeals.

UNCONTESTED DIVORCE ACTIONS

(a) On February 25th, 1972 a notice appeared in the Ontario Reports inviting comment from the profession with respect to a proposal for the disposition of uncontested divorce actions under the Legal Aid Plan.

Michael Tesluk, Solicitor, Timmins, and John Jennings, Chairman, Ontario Branch, Family Law Sub-Section, Canadian Bar Association, requested permission to attend the April meeting. The following members of Mr. Jennings' subsection accompanied him:

Malcolm Kronby, Vice-Chairman
Sandford World, Q.C.
Fred Gans

The Family Law Sub-Section presented a brief to the Legal Aid Committee setting out its views on both uncontested and contested divorce actions under the Legal Aid Plan.

Mr. Tesluk presented his views orally.

The Chairman informed all solicitors that their submissions would be given every consideration. He also advised that the Legal Aid Committee is pleased to hear representations from the profession at any time.

(b) Gordon P. Killeen, Solicitor, submitted an oral report with respect to the pilot project for the disposition of uncontested divorce actions presently in operation in Carleton County.

Mr. Killeen reported that James B. Chadwick, Area Director, Ottawa, is pleased with the progress of the project to date. Forty-seven applications have been received from petitioners and legal aid certificates for advice have been issued to them. It is too early to determine how many of these forty-seven petitioners will be returned to be handled through the Area Director's office and duty counsel as having a truly uncontested divorce action.

The Area Director is of the opinion that they will be in a position to place some cases before the court in June. Mr. Killeen felt that there is every indication that the Ottawa bar will co-operate and he expects to present some statistics to the Legal Aid Committee at its May meeting.

APPOINTMENT OF LEGAL ACCOUNTS OFFICER

Your Committee moved that Mrs. A. C. R. Rosenthal, Solicitor, by appointed Legal Accounts Officer, effective May 1st, 1972.

It was also moved that David J. Thomas, Q.C. be appointed Assistant to the Provincial Director, effective May 1st, 1972.

STUDENT LEGAL AID SOCIETIES

(a) *Grants*

Mr. P. S. FitzGerald, Q.C., Vice-Chairman, reviewed with the Committee the concern expressed at the student legal aid meeting on March 18th last respecting the inherent risks to the law schools, individual students and members of the public in unsupervised legal counselling which is being conducted by the law students in the community.

The Committee also discussed requests for financial assistance by various Student Legal Aid Societies whose function has, in fact, been approved by the Law Society.

The Chairman indicated that he had written to the Deans of the Universities at Windsor, Western, Queen's and Ottawa advising them that he was prepared to recommend to the Committee that Legal Aid would provide funds for the employment of students over the summer vacation, together with an allowance for secretarial assistance to carry on the Student Legal Aid projects on the condition that he receive assurance that adequate supervision would be given to the students and that they would not operate outside the ambit of the approved function of their individual Student Legal Aid Society. Replies of assurance have been received from Queen's, Ottawa and Windsor.

The Committee approved financial assistance to Student Legal Aid Societies at each of the four above-mentioned schools for the summer period, May 1st, 1962 to September 1st, 1972, as follows:

a) the employment of two law students at $100 per week,

b) secretarial allowance in the amount of $65 per week.

An application by a law student at the University of Toronto for funds to employ two students over the summer months for the purpose of preparing materials and procedures to be used at the University of Toronto Student Legal Aid Society was, on the recommendation of Mr. Fairbairn, Assistant Provincial Director, not allowed.

The Chairman indicated that he intended to arrange a meeting in the early Fall with the Deans of all law schools to review the relationship of such Student Legal Aid Societies to the Plan and the principles pertaining to their financial assistance during the academic year.

Your Committee moved that the Director and Mr. Fairbairn be given the responsibility of ensuring that the guidelines as set out in the Chairman's letter to the Deans be adhered to.

PART VII OF THE REGULATION — *Payment of Costs*

G. E. Wallace, Q.C., Vice-Chairman of the Committee, was appointed to review and make recommendations with respect to the disposition of applications under Part VII of the Regulation.

Mr. Wallace submitted a report on several applications with his recommendations contained thereon. The Committee approved the report.

SALARIES

Your Committee has reviewed in depth and recommends salary increases to be paid the employees of the Legal Aid Plan for the fiscal year April 1st, 1972 to March 31st, 1973.

SECTION 23 (a) OF THE LEGAL AID ACT — *Privileged Communications*

The following is an extract from the Legal Aid Committee's report to Convocation dated February 18th, 1972:

"Section 23 (a) of the Legal Aid Act, 1966 reads:

> 23 (a) The communications between the Director, an area director, a member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications. 1968-69, c. . . s. 10.

The Deputy Area Director, Essex County, expressed concern with privilege extended under Section 23 (a) of the Act and in particular, whether he is covered by this privilege in view of the fact that he is not a solicitor.

Your Committee was of the opinion that this problem might extend to other officers of the Plan, e.g. Interviewing Lawyers in the York County Area Director's office.

It was moved that Peter deC. Cory, Q.C. be asked to consider this matter and report back."

Your Committee reviewed a memorandum from Mr. Cory and approved an amendment to Section 23 (a) of the Legal Aid Act to read:

> 23 (a) All communications between the Director, an area director, a *deputy area director*, any member of an area legal aid committee or an assessment officer, on the one hand, and an applicant for or a recipient of legal aid, on the other hand, are privileged for the purposes of the rules of evidence in the same manner and to the same extent as solicitor-client communications.

APPOINTMENT OF AREA DIRECTOR, HURON COUNTY

The Huron County Law Association has recommended the appointment of Wilfred John Elvin Parker, Solicitor, as Area Director for the County of Huron to succeed W. M. Prest, Q.C. who has indicated he wishes to resign.

Your Committee approved the appointment.

STATUTORY POWERS PROCEDURE ACT, 1971

In December, 1971 the Committee considered the passing of the Statutory Powers Procedure Act which affects the rights of an individual appearing before Statutory Tribunals and Boards. The Act provides that the individual has the right to counsel and also provides that certain information must be made available; certain notices and time limits are specified which may require revision to the Legal Aid Act and Regulation if the Act is applicable to the Legal Aid legislation.

Robert F. Reid, Q.C. was asked to give an opinion with respect to this legislation.

The Committee reviewed the opinion dated April 7th, 1972 and instructed the Director in view of the substantial impact conformance which the Act might have on Legal Aid proceedings, to seek an exemption as provided under Section 36 of the Act.

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, 1966, the following names are submitted as appointments to the respective area committees:

York County

Ronald G. Atkey, Solicitor, Toronto
Simon R. Fodden, Professor, Osgoode Hall Law School
R. Nelles Starr, Q.C., Toronto
John Hamilton, Solicitor, Toronto
W. Ecclestone, Q.C., Toronto
John T. DesBrisay, Solicitor, Toronto
Moishe Reiter, Solicitor, Toronto
R. Roy McMurtry, Q.C., Toronto

Waterloo County

D. J. S. McDowell, Solicitor, Kitchener
C. A. Osborne, Solicitor, Kitchener
E. O. Cougler, Solicitor, Preston
J. M. Harris, Jr., Solicitor, Galt

Victoria & Haliburton Counties

E. J. Gardiner, Solicitor, Haliburton
Joseph Staples, Solicitor, Lindsay

Resignations:

Waterloo County

J. D. Nanson
M. Matlow
G. R. Logan
R. W. Gould

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 13th day of April, 1972 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Cartwright, Cory, Estey, Fennell, FitzGerald, Grange, Griffiths, Krever, Lochead, Morden, Pallett, Seagram, Slemin and Strauss.

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1. MISCELLANEOUS

At its March meeting your Committee considered a letter from the president of one of the local law associations. He requested that some direction be given by the Society in connection with the operation of a divorce financing company. A sub-committee was appointed to draw a letter with respect to this company, for consideration by your Committee. It was the intention that the letter be recommended to Convocation for distribution amongst members of the profession. Your Committee has now considered the fruits of the sub-committee's labours and recommends that the following notice be published in the Ontario Reports, as a Notice to the Profession:

> "It has come to the Law Society's attention that certain companies operating in Ontario have approached some members to act for plaintiffs in undefended divorce cases pursuant to an arrangement wherein this company finances the fee. Information which we have received indicates that pursuant to these arrangements the fees paid to the solicitors are in the area of $200.00 to $250.00 whereas the amounts which the clients are obliged to pay

> to the companies financing or arranging to finance the costs is between $450.00 and $500.00.
>
> It should be pointed out that there is nothing objectionable in itself in some third person, whether it be a bank, loan company, finance company, etc. financing the cost of legal services, although in most instances, it is probable that the client, if eligible, would be better served by applying for and obtaining legal aid. Certainly it would be the obligation of any solicitor involved in such an arrangement to advise the client at the first interview of the total amount of his account, as otherwise he might well be found to be engaging in a fee splitting arrangement.
>
> Further, members should be advised that if they participate in arrangements of this type, they may be in breach of several other rulings set forth in the Professional Conduct Handbook published under the authority of Convocation. Specifically, reference is made to Ruling 1, paragraph 3(9), and Ruling 3, paragraph 1 and paragraph 2(a), touting and soliciting at less than appropriate fees, and Ruling 3, paragraph 2(g) and (h), engaging in or permitting a steering arrangement.
>
> Finally, members should bear in mind that, depending upon the activities of the companies and their participation or tolerance of these activities, in our opinion they may be guilty of aiding or abetting an unauthorized person to conduct the practice of law."

2. At its September, 1970, meeting, the Committee appointed a sub-committee under the Chairmanship of the Chairman of the Committee, to consider problems in criminal law. Recently the Chairman was asked for advice by a lawyer, who was one of four counsel appearing for accused charged with bookmaking and other related offences. While the other lawyers had been retained some substantial time before, the lawyer concerned had been retained for only a matter of several days. The case had previously been before the Court and had been adjourned peremptorily for the defence. Upon being retained, the lawyer dictated a letter to the Crown and to the Clerk of the Court advising that under the circumstances, he would have to request an adjournment, the case being extremely complicated and further, that having considered the Information and Particulars as supplied by the Crown, it was his opinion that the Information was so defective as to be void and that he proposed to make a motion accordingly. Subseqently, the lawyer requested an adjournment and was opposed

by the Crown. The presiding Judge refused an adjournment. He also refused the motion to have the Information quashed. Anticipating that this might happen, the lawyer had prepared and had with him in Court, a Notice of Motion to quash, returnable before a Presiding Judge in Chambers in the Supreme Court of Ontario. It was to be supported by an affidavit which had been drawn in the name of the articling student who was present in Court with the lawyer. The affidavit was not signed or sworn at that point. When the Judge denied the motion to quash, the lawyer asked for a recess in order to serve him with the notice of motion and supporting affidavit, which he had planned to have sworn during recess. The Crown Attorney was upset and accused the lawyer of professional misconduct, acting in bad faith and, at a slightly later stage, procuring and placing before the Court a false affidavit. The lawyer asked whether there was anything improper in attending a Court having ready a Notice of Motion to be served anticipating that the Presiding Judge may decline the motion to quash.

The Chairman advised that having consulted with other members of the sub-committee, the opinion was that on the basis of the facts as outlined by the lawyer, there was nothing improper about his conduct. It was suggested that perhaps the Crown Attorney had laboured under the mistaken impression that the affidavit that accompanied the Notice of Motion had been sworn to before the motion was made. From the lawyer's letter, this was obviously not the case. It was therefore suggested to the lawyer that he inform the Crown Attorney on this point.

3. At its March meeting, the attention of Convocation was drawn by the Treasurer to a letter from the Department of Financial and Commercial Affairs relating to the question of prepaid legal costs insurance. This letter was referred to your Committee for consideration.

A sub-committee, under the Chairmanship of Mr. Griffiths and composed of Messrs. Cory and Grange has been appointed to consider that matter and report back.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 13th day of April, 1972, the following members being present: Messrs. Cassels

(Acting Chairman), Borins, Carley, Grange, Seagram and Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

RENOVATIONS AND EXTENSIONS

It is expected that the renovations and extensions to the Great Library will be completed and the library material relocated by the end of September, 1972. This work is proceeding under the direction of Mr. Arthur Heeney (the Society's Architect) and the Chief Librarian.

Noted

CANADIAN ASSOCIATION OF LAW LIBRARIES

The annual convention of the Canadian Association of Law Libraries takes place in Edmonton, Alberta, from 17th to 19th May, 1972. Your Committee recommends that the Chief Librarian attend this convention. *Approved*

BOOK LIST

A list of books which have been ordered for the Great Library was approved. *Approved*

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their Annual Returns. The amount which each should receive under the Rules for the year 1972 and the amount received in 1971 are as follows:

	1972	*1971*
Dufferin	750.00	750.00
Halton	2,000.00	2,000.00
Middlesex	2,000.00	2,000.00
Peterborough	1,945.00	1,675.00
Temiskaming	750.00	750.00
Thunder Bay	1,285.00	1,047.00
Wellington	2,000.00	2,000.00

Approved

REPORTING

ONTARIO LAW REPORTS, VOLS 1 to 66 — REPRINT

On 18th February, 1972, Convocation adopted your Committee's recommendation to give Canada Law Book Limited permission to reprint Volumes 1 to 66 of the Ontario Law

Reports, subject to a suitable contract being negotiated.

By letter dated 13th March, 1972, to the Law Society, Canada Law Book Limited has set out its proposal for the reprint and has offered to pay the Society a royalty of the gross revenues received by it on the sale of any volumes or sets of the reprinted editions.

In this letter Canada Law Book also propose making a survey respecting the market demand for volumes of the Ontario Reports from 1931 onwards and request the Society's permission to proceed with these reprints as well, subject to the survey showing a demand for these volumes. Canada Law Book wish a period of twelve months within which to make a survey and signify its intention to proceed with the reprint and offer to pay to the Society a royalty of the gross revenues received by it on the sale of these reprints.

Your Committee recommends that Convocation accept the proposal of Canada Law Book Limited to reprint Volumes 1 to 66 of the Ontario Law Reports on the terms and conditions contained in its letter to the Law Society dated 13th March, 1972. Your Committee also recommends that Canada Law Book Limited be given permission to reprint the volumes of the Ontario Reports from 1931 onwards on the terms set out in this letter. Any copyright with respect to the Ontario Law Reports and all volumes of the Ontario Reports up to and including (1960) O.R. shall vest in the Law Society and such copyright with respect to (1961) O.R. and subsequent volumes shall be governed by the provisions of paragraph 9 of the publishing contract between Canada Law Book Limited and the Society dated 17th August, 1970.

Your Committee recommends that this matter be concluded by an exchange of letters between the parties.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 13th day of April, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, Fennell, FitzGerald, Henderson, Pallett, Trepanier and White.

1. NON-SOLICITORS IN REAL ESTATE TRANSACTIONS

Your Committee had before it two reports from Counsel respecting investigations made of non-solicitors acting in real estate transaction. In one case, it was Counsel's opinion that there was insufficient evidence on which to base a prosecution and the file was closed. In the other case, Counsel was of the opinion that there was sufficient evidence of unauthorized practice and proceedings have now been instituted.

2. DIVORCE SERVICE COMPANIES

Your Committee discussed the interim reports received from Counsel in Toronto, Ottawa and London in respect of their investigations of certain companies engaged in the divorce field. Your Committee has now instructed each Counsel to provide his final report so that a decision for appropriate action can be made by your Committee at its May meeting.

Your Committee suggests that this statement be a proper item for insertion in the Law Society Communiqué.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 13th day of April, 1972, at 1:30 p.m., the following members being present: Mr. Henderson, Chairman, and Messrs. Krever, Lochead and White.

COMMUNIQUE

The Ontario Branch of the Canadian Bar Association want their Newsletter to be mailed with the Society's Communiqué. A letter from J. H. Potts, Chairman, Public Relations Committee, Ontario Branch, Canadian Bar Association, is before the Committee.

Your Committee recommends that Mr. Potts be advised that the proposal is not feasible at present.

CANADIAN LEGAL EDUCATION PROJECT — LAW CONFERENCE

Mr. MacKinnon asked that the Canadian Legal Education Project proposals sent to him by Dr. Melvyn Robbins be considered by this Committee. The relevant material has been distributed to members of the Committee and is now before the meeting for consideration. This matter was reported in the Communiqué and several Ontario lawyers have responded volunteering their services or expressing interest and seeking an opportunity to participate. In addition a student in Nova Scotia who saw the Communiqué has written asking to be supplied with full information. These letters are before the Committee.

Your Committee recommends that Dr. Robbins be informed that the Society supports the programme and will cooperate in any way possible but that it is unable to provide funds.

LAWYER REFERRAL

James T. Robson who practises in Toronto has reported in a letter to the Chairman that in the County Court Clerk's office some laymen have requested legal information which the clerks were neither qualified nor authorized to give. He has suggested a large size poster and small cards or pamphlets be made available publicizing the Lawyer Referral Service.

Your Committee recommends that a suitable poster be prepared and placed in the appropriate court offices.

PROPOSED CENTRE FOR POLICE AND COMMUNITY RELATIONS — FANSHAWE COLLEGE, LONDON, ONTARIO

Dr. J. A. Colvin, the President of Fanshawe College, wrote to the Treasurer to elicit the Society's support for the proposed institution. The purpose of it is generally to foster the idea that justice and police work are extensions of society and not forces apart from the community. The Treasurer forwarded the correspondence to the Chairman of this Committee. Since then John R. Harris, Dean of the Faculty of Arts and Sciences at Fanshawe, has supplied a formal submission giving detailed information and indicating the proposed budget.

Your Committee recommends that Dr. Colvin be advised that the Society supports the proposal and will help in any way possible but cannot make funds available.

COUNTY LAW ASSOCIATIONS — BENCHERS ATTENDING

Your Committee recommends that the County and District Law Associations be informed that the Society will, on request, arrange for a Bencher to attend and speak to a meeting of their Association.

THE REPORT WAS ADOPTED

BUILDING COMMITTEE—Mr. Gray

Your Special Committee met on Friday, the 17th March 1972, the following members being present: Mr. S. L. Robins (Chairman), and Messrs. Common and Gray.

Re: FIRE ALARM SYSTEM

At its meeting on the 27th January 1972 a copy of a letter from Mr. Pongor, Senior Project Architect, Department of

Public Works, dated January 7, 1972 enclosing a report from Mr. Sly of that Department regarding the proposed fire detection and alarm system in the Law Library areas, and a letter from Mr. Heeney dated January 21, 1972, was before the Committee. Mr. Heeney was requested to obtain further information.

A letter from Mr. Heeney dated March 16th, and a copy of a report of a meeting of March 7th, were before the Committee. Mr. Heeney in his letter reviews the history of the changes in the system, and then makes certain observations and recommendations.

Your Committee recommends that the recommendations made in paragraphs 1 to 5 of Mr. Heeney's letter, be approved.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON WRIGHT COMMISSION ON POST-SECONDARY EDUCATION IN ONTARIO

At Convocation on the 17th March 1972 Mr. Morden, as Chairman, and Messrs. Estey, Thom and J. C. MacDonald, with power to add one more member, were appointed a special committee to draft for Convocation's consideration submissions to be made on behalf of the Society to the Wright Commission.

At the Special Convocation on the 24th March 1972 the Special Committee were given authority to submit their report to the Commission directly, if necessary.

A draft Report prepared by the Special Committee was circulated to the members of Convocation for their information.

Convocation approved in principle of the draft.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 19th day of May, 1972.

"SYDNEY L. ROBINS"
Treasurer

MINUTES OF CONVOCATION

Friday, 19th May, 1972
10 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Cartwright, Cass, Cassels, Cooper, Cory, Estey, Fennell, Finlayson, FitzGerald, Goodman, Grange, Griffiths, H. E. Harris, Henderson, Howland, Krever, Lochead, MacKinnon, Maloney, Morden, O'Brien, Pallett, Sheard, Slemin, Steele, Thom, Trepanier, White and Williston.

Mr. Terence Sheard, Q.C., was elected Chairman.

ELECTION OF TREASURER

Mr. Sydney Lewis Robins, Q.C., was elected Treasurer for the ensuing year. Mr. Robins took the Chair and thanked the Benchers for the support and co-operation he had received from them throughout the past year and for their continued confidence in him. He expressed his appreciation for the further opportunity to serve the profession as Treasurer.

The Treasurer spoke of the increasing public interest in the affairs of the legal profession and the Law Society. He referred to recent reports in Ontario and elsewhere in Canada critical of the self-governing professions. He reviewed the background of the Law Society Council and its activities since it was established. The Treasurer expressed the opinion that the form of public participation recognized by the Law Society Council would not prove satisfactory and suggested that the Benchers consider direct public participation in the Law Society through lay representation in Convocation. He referred the matter to the Legislation and Rules Committee for its consideration and report.

The Minutes of Convocation of April 21st, 1972 were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

I Your Committee met on Thursday the 11th day of May, 1972, at 2:30 p.m. the following members being present: Mr.

W. Z. Estey, Vice-Chairman, in the Chair, and Messrs. Borins, Carley, Cass, Finlayson, Grange, Gray, Griffiths, Howland, Krever, MacKinnon, Morden, Sheard and Thom.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Honoraria Policy

The Policy with respect to the granting of honoraria has been worked out in practice over the past year. In order to avoid the necessity of presenting individual requests to your Committee and to allow prompt payment, it is recommended that our Department be authorized to requisition grants according to the approved scale for all future programmes.

Approved

Appointment to Section on Corporate and Commercial Law

In the last report to your Committee it was noted that a vacancy had been created at the administrative level in the section on Corporate and Commercial Law. It is recommended that this vacancy be filled through the appointment of Mr. J. G. Coleman, as Assistant Head of Section. This submission has the support of Mr. Ground, who will continue as Head of the Section.

Approved

Hard-Cover Book on Income Tax

Reference to this publication was made in earlier report letters dated 4th October, 1971 and 2nd March, 1972. We are now able to report further progress and advise that John Deyell Limited of Lindsay, Ontario, has agreed to print a run of 5,000 copies in two lots of 2,500 each, with an option on our part to cancel the second run within six months of the first printing. Arthur Scace has already delivered one-third of the finished manuscript for type-setting. Production costs, royalties and the cost of the editorial work will be presented for approval by your Committee at its June meeting.

Approved

PETITIONS

Sidney William Goldstein is an articling student in the Bar Admission Course. He asks permission to delay his entry into the teaching portion of the Course until 1973 to permit him to attend Queen's University for graduate studies leading to an LL.M. degree.

Approved

Richard Patrick Robin Saul is a graduate of the 13th Bar Admission Course. He asks permission to postpone his Call to the Bar until March 1973. He intends to work with a law firm in New York for a period of six months and thereafter to serve as Clerk to the Honourable Mr. Justice Spence in Ottawa.

Approved

Harris Stephen Wineberg, a student in the 13th Bar Admission Course, received permission to delay entering the September 1971 teaching period of the Course so that he could accept an appointment to teach law at a community college and take a post-graduate law course at Queen's University. He now asks a further postponement to September 1973 to enable him to teach one more year in order to acquire tenure in the community college system.

Approved

THE REPORT WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. Estey

II Your Committee met on Monday, the 24th of April, 1972, at 9:30 o'clock in the morning and on Friday the 12th of May, 1972 at the same hour, to consider eleven petitions received from candidates who failed the 13th Bar Admission Course. The following members were present on both occasions: Mr. W. Z. Estey, in the Chair, and Messrs. Finlayson, Grange, Pattillo, Sopha and Thom.

Nine petitioners were represented by counsel and two attended without counsel.

Having considered each petition carefully and heard the submissions made with respect to them, your Committee recommends that all of the petitions be denied except the petition of Adolf Gubler which your Committee recommends be granted and that he be called to the Bar.

In the disposition of the eleven appeals it became apparent that there was a difference of opinion among the members of the Committee as to the appropriateness of certain of the courses given in the Bar Admission Course, and your Committee recommends that the curriculum of the Bar Admission Course be reviewed by the Legal Education Committee.

The Board of Review requested your Committee to give reasons for its decisions in disposing of the petitions. Your Committee considers that in coming to its conclusions it properly takes into consideration factors that play no part in the decisions made by the Board of Review and that nothing would be gained by giving reasons.

For the guidance of Committees sitting in the future your Committee recommends that Mr. MacDonald be instructed to obtain prior authorization from the Law Schools to release to the candidate and for the use of the Committee at its hearing the transcripts of marks of the appellants.

Two of the petitioners attended before Convocation and made submissions.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

I Your Committee met on Thursday the 11th May, 1972 at 2:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Borins, Cooper, Grange, Sheard and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Thirteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210.00 now applies for Call to the Bar and to be granted a Certificate of Fitness:

Roy Wise

Approved

COMMONWEALTH TRANSFER

An application under Regulation 7 for transfer to practise in Ontario from a solicitor from Delhi, India, was considered and approved.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May 1972, is before the Committee. One candidate sat the examination. The following candidate passed:

Romeo Celestin Champagne

Approved

THE REPORT WAS ADOPTED

CALL TO THE BAR

Mr. Roy Wise was presented to the Treasurer and Convocation, Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer.

FINANCE COMMITTEE—Mr. Beament

Your Committee met on Thursday, the 11th day of May, 1972, the following members being present: Mr. Gray, Chairman, Mr. Beament, Vice-Chairman, and Messrs. Fennell, Henderson, Howland, MacKinnon, Pallett, Sheard, Steele, Thom and Zahoruk.

ACCOUNTS

The Secretary reports that from 1st April to 30th April 1972 accounts, properly approved, to the amount of $706,486.66 have been paid.

Approved

FINANCIAL STATEMENT, 1st September 1971 to 30th April 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1971 to the 30th April 1972.

Approved

ROLLS AND RECORDS

The Secretary reports:

Appointment to the Bench

The following member has been honoured by his appointment to judicial office, and his membership in the Society is in abeyance:

George M. Thomson, London:	Called—17th March 1967; Appointed Provincial Judge (Family Div.), County of Frontenac, May 1, 1972.

Noted

Deaths

The following members have died:

George M. Orr, Q.C., St. Catharines (Hon. Life Member)	Called—22 May 1919; Deceased—23 March 1972.
Arthur C. Franklin, Q.C., St. Catharines	Called—18 November 1937; Deceased—4 April 1972.

Cyril M. Smith, Q.C., Kingston (Hon. Life Member)	Called—20 November 1919; Deceased—9 April 1972.
Hugh J. McLaughlin, Q.C., Toronto (Hon. Life Member)	Called—17 January 1918; Deceased—13 April 1972.
Ellis W. Clark, Q.C., Toronto (Life Member)	Called—19 May 1921; Deceased—1 May 1972.

Noted

MEMBERSHIP UNDER RULE 50—Retired Members

The following members who are 65 years of age and fully retired, apply to be permitted to continue their membership in the Society under Rule 50 upon payment of an annual fee of $25.00:

Wilfrid George Bowles, Nestleton
John Latimer Crozier, Sutton
Cornelius John McDougall, Q.C., Cornwall.

Approved

RESIGNATION

Raymond Nicholas Taglietti of Toronto applies to be permitted to resign as a member of the Law Society. He was called to the Bar on 18th September 1930. Mr. Taglietti has paid his fees in full to 30th November 1971. Mr. Taglietti's letter of April 18, 1972 and his Declaration in support of his application are before the Committee.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which had sent in their annual returns for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved

ERRORS AND OMISSIONS INSURANCE

A list is submitted of 346 members who are liable to have their right to practise suspended under section 36 of The Law Society Act 1970 for failure to pay the levy in respect of the Society's Errors and Omissions Insurance policy or to apply for exemption from coverage.

Your Committee recommends that those members who have not paid the required levy or filed an application for exemption from coverage by the 31st of May 1972, and are in default for four months, be suspended from practice for one year and from year to year thereafter, or until they have complied with the relevant requirements.

THE REPORT WAS ADOPTED

ERRORS AND OMISSIONS INSURANCE—Motion to Suspend

Moved by Mr. Beament, seconded by Mr. Finlayson, that Convocation hereby order that those members who have neither paid the required levy nor applied for exemption to the Society's Errors and Omissions Plan by the 31st of May, 1972 and are in default for longer than four months be suspended from practice for one year and from year to year thereafter, or until they have paid the levy or applied for and been granted exemption.

Carried

ADMISSIONS COMMITTEE—Mr. Cass

II Your Committee met on Thursday, the 27th of April, 1972, at 10:30 o'clock in the morning to consider applications for readmission from former members of the Law Society of Upper Canada. The following members were present: Mr. R. W. Cass, Chairman, and Messrs. Cartwright, Grange, Lochead and Thom.

Harold Wallman Shuttleworth

The applicant was called to the Bar and admitted as a solicitor on the 19th June 1947. He was disbarred on the 15th May 1964. He seeks to be readmitted to the Law Society of Upper Canada, and presents a number of testimonial letters. He is represented before this Committee by his counsel, Mr. F. C. Stinson, Q.C., who will present evidence and make submissions.

Your Committee recommends that he be readmitted upon successful completion of the teaching portion of the Bar Admission Course.

Frederick Douglas White

The applicant was called to the Bar and admitted as a solicitor on the 19th June, 1952. At his own request he was permitted to resign in June 1960. He now seeks to be readmitted to the Law Society of Upper Canada. He is represented before this Committee by his counsel, Mr. Robert F. Reid, Q.C.

Your Committee recommends that he be readmitted upon successful completion of the teaching portion of the Bar Admission Course.

Moved by Mr. White, seconded by Mr. Williston, that both applicants be Called to the Bar.

Lost

THE REPORT WAS ADOPTED

III Your Committee met on Tuesday the 9th of May, 1972, at 10:00 o'clock in the morning to consider an application for readmission from a former member of the Law Society of Upper Canada. The following members were present: Mr. J. A. D. Slemin, in the Chair, and Messrs. Estey, Grange and Sheard.

John Robert Crerar

The applicant was called to the Bar and admitted as a solicitor on the 29th of June 1949. He was permitted to resign in April 1964. He now seeks to be readmitted to the Law Society of Upper Canada.

Your Committee recommends that the petition be refused without prejudice to its being renewed in accordance with Section 27(6) of The Law Society Act.

The applicant attended with Mr. Alastair R. Paterson, Q.C., his counsel, who made submissions.

Moved by Mr. Pallett, seconded by Mr. Beament, that the applicant be permitted to enter the teaching portion of the Bar Admission Course in September 1972 and upon successful completion of it renew his application to be reinstated.

Lost

THE REPORT WAS ADOPTED

Convocation adjourned for luncheon at 12:50 p.m.

Convocation resumed at 2:30 p.m., a quorum being present.

LEGAL AID COMMITTEE—Mr. FitzGerald

Your Committee met on Wednesday, the 10th day of May, 1972, the following members being present: P. S. FitzGerald (in the Chair) and Messrs. Beament, Cooper, Gray, Killeen, Morden, Poole and Trepanier.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of March, 1972.

(b) The Director submitted a report pursuant to Section 96 of the Regulation for the year ended March 31st, 1972.

A copy of the Director's report comparing the activity and costs of the Plan with those of the preceding year ended March 31st, 1971 was before Convocation.

Section 96 of the Regulation requires the Director to report to the Legal Aid Committee not later than the first day of May in each year on the activity and costs of the Ontario Legal Aid Plan with those of the preceding year.

The final statistical report for the fiscal year ended March 31st, 1972 indicates that compared with the previous year informal applications increased by 19.9% and formal applications by 11.5%.

The rate of refusal of formal applications was 27.5% compared with 15.7% in 1970/71. This increased refusal rate accounts for the fact that area committees heard 1,039 appeals from the decisions of area directors as compared with 544 such appeals in the previous year.

Criminal certificates issued increased by 8.1% over 1970/71 while civil certificates declined by 3.4% when compared with the previous year. It is interesting to note that the number of divorce certificates issued in 1971/72 showed a drop of 13.7% over the previous year and no doubt this is accounted for in large measure by the application of the divorce criteria instituted in June, 1971.

The number of persons assisted by duty counsel in criminal matters shows a minor reduction of 1.5% when compared with the previous year whereas in civil matters the number of persons assisted has increased by 31.7%. The opening of 13 community centres in Metropolitan Toronto area contributed significantly to this latter increase.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 12 months ended March 31st, 1972.

BUDGET 1972/73

Your Committee reviewed a memorandum from the Controller setting out that the Department of Justice has reduced the 1972/73 budget by $209,000. The Government estimates for 1972/73 which were recently presented to the Legislature provided for a legal aid budget of $10.912 million. The reduction of $209,000 is made up as follows:

1.	Civil fees and disbursements	$78,000
2.	Divorce disbursements	60,000
3.	Assistance to Student Legal Aid Societies	37,000
4.	Secretary to Assistant Provincial Director	7,000
5.	Increase in client contributions	27,000
		$209,000

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Controller submitted a report on the activity of the Legal Accounts Department for the three months ended April, 1972.

(b) The Legal Accounts Officer submitted a report for the month of April, 1972 with respect to reviews and appeals.

STATUTORY POWERS PROCEDURE ACT, 1971

At the April meeting the Committee reviewed in depth an opinion from Robert F. Reid, Q.C. with respect to the effect which the Statutory Powers Procedure Act would have on the administration of the Ontario Legal Aid Plan.

The Director recommended to your Committee the appointment of a sub-committee to consider the legislation in depth and make such recommendations as appear necessary. The Director suggested that there be no delay in this matter since the Statutory Powers Procedure Committee will be appointed in the Fall and any proposed amendments to the Legal Aid legislation should be placed before the provincial legislature as soon as possible.

After consideration of this matter the Committee moved that a sub-committee be appointed by the Vice-Chairman, P. S. FitzGerald, Q.C. to consider the Statutory Powers Procedure legislation as it relates to the Legal Aid legislation and to make such recommendations as appear necessary.

APPOINTMENT TO THE LEGAL AID COMMITTEE

Your Committee recommends the appointment of Robert E. Barnes, Q.C., Windsor, as a non-bencher member of the Legal Aid Committee.

PROPOSED AMENDMENTS TO THE LEGAL AID ACT AND REGULATION

G. E. Beament, Q.C., Chairman of the Sub-Committee on Amendments to the Act and Regulation requested that suggested amendments to the Act and Regulation received from time to time be first put to the Committee for consideration before the sub-committee drafted amending legislation.

Your Committee considered in depth nine proposed amendments to the Act and Regulation and recommended that some of the amendments not be adopted and others be referred to the Sub-Committee on Tariffs.

COMMUNITY LEGAL SERVICES

In April, the Chairman, John D. Bowlby, Q.C., the Vice-Chairman, P. S. FitzGerald, Q.C. and Lyle S. Fairbairn, Assistant Provincial Director, visited England to review with the Administrators of the English Legal Aid Plan the latter's full range of experience under the English scheme (including recent developments with respect to Community Legal Services). In particular, the following specific matters were discussed:

1. Selection of counsel under the English Plan
2. Community legal services movements and deliberations
3. Present and proposed advertising and other "outreach" techniques
4. Unmet legal need
5. Extension of legal counselling services
6. Class actions and group demands on legal aid
7. Pro bono efforts by the private bar, whether subsidized or not, and the ethical considerations in relation thereto.

Mr. FitzGerald gave a verbal report to the Committee on the results of the sub-committee's trip and advised that an in-depth written report will be forthcoming in June reflecting the information obtained by the sub-committee in England and the United States. The report will also contain the sub-committee's recommendations relating to any necessary administrative and legislative changes.

AMENDMENT TO THE REGULATION

The Director advised the Committee that the Registrar of Regulations had informed him that the amendments to the

Legal Aid Regulation under the Legal Aid Act submitted by the Law Society had been filed in the Office of the Registrar on the 8th day of May, 1972 and are to be published in the Ontario Gazette on May 27th, 1972.

These amendments primarily affect the legal aid tariffs.

Your Committee instructed the Director to publish the amendments to the legal aid tariffs in the Ontario Reports.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Cassels

Your Committee met on Thursday, the 11th day of May 1972, the following members being present: Mr. Cassels, Chairman, Messrs. Beament and Gray.

Your Committee expects that the three rooms above the Benchers' quarters (Muniments and Memorabilia rooms) will become available within the next few weeks and has instructed the Society's Architect to provide it with an up-to-date estimate of the cost to make suitable renovations to these rooms. Your Committee expects to make a further report to Convocation next month.

PRESENTATIONS

Mr. F. Armour Ford, Solicitor, has presented several law school examination papers and cases in the Moot Court in the 1890's, together with personal documents which belonged to his father, the late Mr. Justice Frank Ford of the Supreme Court of Alberta.

Mr. Robert C. Dick, Q.C., has presented a hand-written copy of Addison on Contracts which is dated May 1867.

Mr. Samuel Weir, Q.C., and Mr. J. G. Sherlock of Toronto, have presented an original hand-written paper "Lawyer's Sign".

Mr. Samuel Weir, Q.C., has presented an etching of Mr. Weir's law office in London, Ontario. The etching is by the late Nicholas Hornyanski.

Messrs. Weir & Foulds of Toronto have presented the following items:

(a) barrister's wig once owned and used by Mr. George Ferguson Shepley, K.C. during the early 1900's.

(b) copy of Morgan's Legal Directory, 1878, with accompanying Circuit Guide for the year 1900.

(c) copy of Hardy's Legal Directory for Ontario, Manitoba and North-west Territories, 1883.

Mrs. D. F. Pepler has presented an engraving of Chief Justice John Beverley Robinson.

Mr. Hamilton Cassels, Q.C., has presented a writing portfolio which is believed to have once belonged to The Honourable Robert Baldwin.

Mr. W. T. Robb, Solicitor in Orangeville, Ontario, has presented two volumes of law reports: Upper Canada Queen's Bench Reports, Vol. IV, Second Edition, published in 1877; and Taylor Upper Canada King's Bench Reports, Second Edition, published in 1862.

Mr. R. McKinnon, Assistant Registrar of the Supreme Court of Ontario, has presented a composite photograph of the Osgoode Hall Law School graduating class for the year 1918. This photograph includes Miss Helen B. Palen, formerly a Deputy Registrar of the Supreme Court of Ontario, who died on December 26th, 1971.

Mr. J. R. O'Brien whose father William Joseph O'Brien was a law student at Osgoode Hall, has presented a copy of a Final Order of the Day by Major General Sir Archibald Cameron MacDonell, K.C.B., C.M.G., D.S.O., commanding 1st Canadian Division, First World War.

Noted

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Beament

COMPENSATION FUND

For the Period 1st September, 1971 to 30th April, 1972

	Month of April, 1972	**8 Months ending 30th April, 1972**		
Balance on Hand, 31st Aug. 1971				$1,324,373.74
Receipts				
Fees—6,482 at $30.00	$ 1,080.00		$194,460.00	
Investment Income				
—Gov. of Canada	15,625.00	$33,500.00		
—Guar. Dep. Interest	4,161.00	21,214.75		
—Bank Interest	134.98	482.31	55,197.06	249,657.06
Recoveries				
—A. F. Blotti	—		$ 4,363.56	
—J. M. Godo	100.00		800.00	

—S. Resnick	—		47,748.29	
—Shuttleworth	—		400.00	
—Parisien	—		4,522.04	57,833.89
	$21,100.98			$1,631,864.69
Disbursements				
Grants—Blotti	54,300.73	$54,300.73		
—Parisien (1)		14,647.12		
—Coleman (4)		6,686.94		
—McGrath (1)		2,396.44		
—Wineberg		1,500.00		
—Card		3,000.00	$ 82,531.23	
Counsel Fees, Reporters, etc.	3,850.00		15,322.31	
Annual Fee Refund	30.00		420.00	98,273.54
	($37,079.75)	Balance 30/4/72		$1,533,591.15

Outstanding Claims

Claims outstanding 31st March, 1972		$2,497,338.44
Received during month of April		1,280.00
		$2,498,618.44
Dismissed or Withdrawn during month of April	$174,947.14	
Paid (Amount of Original Claim)	54,300.73	229,247.87
***Claims outstanding 30th April, 1972**		$2,269,370.57

*Blotti—	$ 310,432.13
Bowman—	293,261.54
Caplan—	995,301.38
Harris—	519,749.90
	$2,118,744.95

Total Claims paid to 30th April, 1972

804 on account of 80 former solicitors $2,501,531.42

THE REPORT WAS RECEIVED

Re: Gordon Ross Mackay, Toronto

A quorum of eligible Benchers being present (Messrs. Beament, Borins, Cass, Cooper, Fennell, Finlayson, Griffiths, H. E. Harris, Henderson, Howland, Krever, Lochead, O'Brien, Pallett, Steele, Thom, Trepanier and White), a reporter was sworn and proof filed of personal service upon the solicitor of a letter dated 28th April, 1972, advising him that Convocation at its April meeting accepted the Decision of the Discipline Committee and that a motion that he be disbarred would be considered at the May meeting of Convocation when he might be present, with or without Counsel, to make submissions. The solicitor did not attend nor did any one on his behalf.

It was moved and seconded that Convocation by Order disbar Gordon Ross Mackay and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

Carried

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 11th day of May, 1972 at 9:30 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Fennell, FitzGerald, Grange, Griffiths, Krever, Morden, Pallett and Wallace.

Your Committee considered a letter received from the Ministry of Consumer and Commercial Relations, with respect to the proposed incorporation of "The Canadian Citizen Advocacy Association" by a firm of eastern Ontario lawyers. The Society was asked for its views as to whether or not the name in connection with the proposed objects would be objectionable.

Your Committee was of the opinion that the word "advocacy" may be misleading and that its use should therefore not be approved. Your Committee is also of the view that because of the generality of the object clauses, a course of conduct could be permitted that would be contrary to The Solicitors' Act. It is therefore suggested that the Department follow the precedent that they adopted with the Professional Engineers' Act and add a provision that the corporation must not conduct itself contrary to The Solicitors' Act.

Parkdale Community Legal Services—A Sub-Committee under the Chairmanship of Mr. S. G. M. Grange and composed of Messrs. FitzGerald and Pallett, has been appointed to consider the question of what form of advertising, if any, should be permitted with respect to the Parkdale Community Legal Services, to meet with representatives of that operation and to report back to this Committee at its June meeting.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

I Your Committee has received proposals from four companies for permission to microfilm for sale to the profession Reports in which the Society owns the copyright. This involves the Ontario Law Reports, the Ontario Reports and the Ontario Weekly Notes.

The four companies are Bell & Howell Canada Ltd., Butterworth & Co. (Canada) Limited, Canadian Kodak Sales Limited and 3M Company.

Each company is prepared to microfilm the Reports at its expense and is prepared to market the film and administer sales.

The Reports can be filmed in two forms—roll film (either 16mm or 35mm) and microfiche. Subject to further negotiation, each company (3M excepted) is prepared to film the Reports in both forms. The 3M Company will film the Reports on roll film only.

There have been two meetings to which company representatives have been invited to discuss their proposals and demonstrate their readers and microfilming equipment. One meeting took place on the 14th of January, 1972, before a Sub-Committee of your Committe consisting of Messrs. Steele and Harris and Miss McCormick. The second meeting took place on the 2nd of May, 1972, before your Committee consisting of Messrs. Steele, Harris and Grange and Miss McCormick. Members of Miss McCormick's staff attended both meetings.

Your Committee is most impressed with the Butterworth Company and its proposals and recommends that this company be permitted to microfilm the Reports subject to a suitable contract being negotiated. Your Committee recommends that Counsel be retained to assist it in preparing a contract and that this contract include the following terms: that the Society be paid a royalty of 5% of the gross revenues received by Butterworths on the sale of the microfilm; that the microfilm be available for purchase by the consumer within three months of the date of the contract; that the length of the contract be for a period of ten years; and that the Society have the right to cancel the contract in the event that reasonable standards are not met in fulfilling the terms of the contract.

Your Committee also recommends that the Reports be filmed in both forms—roll film (16mm and 35mm) and microfiche—and that this too be made a term of the contract.

THE REPORT WAS ADOPTED

II Your Committee met on Thursday, the 11th day of May, 1972, the following members being present: Messrs. Steele (Chairman), Borins, Carley, Grange, Wallace, and Zahoruk, and Miss A. R. McCormick.

Great Library

Accounts

Expenditures by the Great Library up to 30th April, 1972, were approved.

Gifts and Donations

Mr. George T. Scroggie, Q.C., Toronto, has donated a total of 11 bound volumes of the *Ontario Statutes*, 1960-61 to 1971, all of which are in excellent condition.

Mr. Brian W. B. Morison, Hamilton, has donated a total of 27 bound volumes of law reports comprising the *Ontario Law Reports* and the *Law Reports, Chancery Division.*

Noted

Book List

A list of books which have been recently purchased for the Great Library was approved.

County Law Libraries

Annual Grants

The following associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1972 and the amount received in 1971 are as follows:

		1972		1971
Hastings and Prince Edward		1,272.47		1,635.00
Lanark		1,040.00		970.00
Leeds & Grenville		1,005.00		810.00
Nipissing		1,185.00		919.00
Peel	2,000.		2,000.	
Less Loan	600.	1,400.00	600.	1,400.00
Renfrew		1,075.00		1,005.00
Simcoe		2,000.00		2,000.00
Sudbury		2,000.00		2,000.00

Approved

Reporting

Table of Concordance Respecting the Bail Reform Act, 1970

In December 1971 the Deputy Attorney General for Ontario forwarded to the Society a copy of a Table of Concordance as it relates to The Bail Reform Act, 1970 and in January 1972, on the recommendation of your Committee, Convocation directed that this Table be published in the Ontario Reports on perforated pages.

Before this could be done, several persons commented that the Table if published would confuse members of the profession and your Committee, after studying the Table more closely, agrees with this. Your Committee therefore recommends that Convocation direct that the Table not be published.

ONTARIO LAW REFORM COMMISSION

At its April meeting your Committee had before it a letter from the Ontario Law Reform Commission asking the Society to comment on the question of the Society's continuing to publish the Ontario Reports. Your Committee appointed one of its number (Mr. Stephen Borins) to consult with the Law Reform Commission for background information and report back to your Committee. Mr. Borins has now done this and his report has now been considered by your Committee.

Your committee recommends that the Society advise the Commission as follows:

(a) That the Society wishes to continue to publish the Ontario Reports;

(b) That the Society wishes to continue to finance the publication of the Reports but that it would welcome financial assistance from the Government insofar as the cost involved to provide the Reports to persons who are not members of the Society;

(c) That the Society favours the formation of an "Advisory Committee on Law Reports" as recommended by the Judges of the Supreme Court of Ontario.

Your Committee has appointed a Sub-Committee consisting of Messrs. Carley and Grange to prepare a statement to the Commission setting out the Society's views on the matter.

Your Committee is also arranging a meeting with the publishers of the Reports to discuss further the matter of delay in publishing Reasons for Judgment.

ONTARIO MUNICIPAL BOARD DECISIONS

Your Committee had before it a letter from the Secretary of a County Law Association commenting on the inadequacy of reporting Ontario Municipal Board Decisions. Before a decision is made respecting this matter, your Committee recommends that members of the profession be canvassed through the Law Society Communiqué as to the demand for publication of judgments of Administrative Tribunals generally.

The Chief Librarian reported that her staff has been indexing Ontario Municipal Board Decisions since 1969. This Catalogue isn't yet complete but copies of the index are available (at their expense) to County Law Associations that want them.

Your Committee has instructed that a Notice be placed in an issue of the Ontario Reports advising members of the profession of this facility in the Great Library.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 11th day of May, 1972, the following members being present: Mr. Fennell, Vice-Chairman in the Chair, Messrs. Cass, Cooper, FitzGerald, Henderson, Pallett, Steele and Zahoruk.

1. Divorce Companies

Reports from Counsel in London and Ottawa are being reviewed by your Committee's General Counsel in Toronto. It is anticipated that General Counsel will have a final report before your Committee at its June meeting and General Counsel will attend this meeting. Your Committee hopes to be able to advise on a definite course of action following this meeting.

Several other matters of routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS ADOPTED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 11th day of May, 1972, at 1:30 p.m., the following members being present: Mr. Henderson, Chairman and Messrs. Carley, Krever and Morden. Mr. Robert Smylie of R. T. Smylie & Company Ltd., Public Relations Consultants, attended at the invitation of the Chairman.

Canadian Bar Association—Public Relations Programme

A memorandum is before the Committee describing the Public Relations programme of the Ontario Section of the Canadian Bar Association. Your Committee recommends that the matter stand to give the members of the Committee time to consider the material.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

Mr. Sheard, Chairman, presented the Report of the Special Committee on the J. Shirley Denison Bequest that an application for assistance had been considered and a grant of $1,500.00 had been made.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Mrs. H. J. McLaughlin thanking the Treasurer and Benchers for the gift of flowers on the death of her husband.

Letter from the Honourable Mr. Justice Morand thanking the Treasurer and Benchers for entertaining him at luncheon on March 24th and for forming part of the platform party for the Special Convocation when his son John was Called to the Bar.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 16th day of June, 1972.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 16th June, 1972
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cass, Chappell, Clement, Cooper, Cory, Dubin, Evans, Fennell, Finlayson, FitzGerald, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lochead, MacKinnon, Maloney, Morden, O'Brien, Seagram, Sheard, Sopha, Steele, Strauss, Thom, Wallace and White.

The Minutes of Convocation of May 19, 1972 were read and confirmed.

APPOINTMENT OF AUDITOR

Moved by Mr. Beament, seconded by Mr. Gray, that Messrs. Clarkson Gordon & Company be appointed Auditors of the Society for the period of one year from the 1st July, 1972.

Carried

CANADIAN BAR ASSOCIATION

Moved by Mr. Steele, seconded by Mr. Strauss, that the Treasurer and Mr. R. W. Cass be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1972.

Carried

CONFERENCE OF THE GOVERNING BODIES OF THE LEGAL PROFESSION IN CANADA

Moved by Mr. H. E. Harris, seconded by Mr. Cartwright, that the Treasurer and the Secretary be the Society's representatives on the executive of the Conference of Governing Bodies of the Legal Profession in Canada.

Carried

APPOINTMENT OF STANDING COMMITTEES—Mr. Cass

At the request of the Treasurer, Mr. Cass presented the Report of the meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees.

A meeting of the Treasurer and Chairmen and Vice-Chairmen of the Standing Committees as presently constituted was held on Thursday, 8th June, 1972, the Treasurer and Messrs. Beament, Cass, Evans, Fennell, FitzGerald, Gray, Lochead, MacKinnon, Pattillo, Steele, Strauss and Thom being present. They recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. Finance: Messrs. Beament, Cartwright, Fennell, Gray, Goodman, Harris, W. E., Henderson, Howland, Levinter, MacKinnon, Pallett, Pattillo, Sheard, Sopha, Steele, Thom, Trepanier, Wilson, R. F., Zahoruk.

2. Legal Education: Messrs. Borins, Bowlby, Carley, Cass, Cory, Dubin, Estey, Finlayson, Grange, Gray, Goodman, Griffiths, Henderson, Howland, Krever, MacKinnon, Maloney, Morden, Pattillo, Sheard, Slemin, Sopha, Thom, White, Williston, Wilson, R. F.

3. Admissions: Messrs. Beament, Borins, Cartwright, Cass, Cooper, Dubin, Estey, Finlayson, Grange, Lochead, MacKinnon, Pattillo, Seagram, Sheard, Slemin, Sopha, Thom, Williston.

4. Discipline: Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cass, Chappell, Common, Cooper, Cory, Dubin, Estey, Evans, Finlayson, Goodman, Grange, Gray, Griffiths, Harris, H. E., Harris, W. E., Henderson, Krever, Levinter, Lochead, MacKinnon, Maloney, McCulloch, Morden, O'Brien, Pallett, Pattillo, Seagram, Seymour, Slemin, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston, Wilson, P. D.

5. Professional Conduct: Messrs. Bowlby, Cartwright, Cory, Dubin, Estey, Evans, Fennell, FitzGerald, Goodman, Grange, Griffiths, Krever, Lochead, MacKinnon, Maloney, Morden, O'Brien, Pallett, Raney, Robinette, Seagram, Sedgwick, Slemin, Strauss, Thom, Wallace.

6. Libraries and Reporting: Messrs. Borins, Carley, Cassels, Clement, Grange, Harris, H. E., Maloney, Seagram, Steele, Wallace, Weir, Zahoruk.

7. Unauthorized Practice: Messrs. Bowlby, Cass, Chappell, Cooper, Dubin, Fennell, FitzGerald, Henderson, Pallett, Sopha, Steele, Strauss, Trepanier, White, Williston, Zahoruk.

8. PUBLIC RELATIONS: Messrs. Bowlby, Carley, Chappell, Harris, H. E., Harris, W. E., Henderson, Krever, Lochead, Martin, Morden, Pattillo, White.

9. LEGAL AID: Messrs. Beament, Bowlby, Cass, Common, Cooper, Cory, FitzGerald, Gray, Griffiths, Levinter, Lochead, MacKinnon, Maloney, Martin, Morden, Trepanier, Wallace.

Non-Bencher Members: Messrs. Barnes, R. E., Killeen, G. P., Maloney, A. W., Poole, W. R.

10. LEGISLATION AND RULES: Messrs. Beament, Chappell, Common, Cory, Estey, FitzGerald, Goodman, Harris, W. E., Henderson, Krever, O'Brien, Pattillo, Sheard, Wilson, R. F., Zahoruk.

THE REPORT WAS ADOPTED

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairmen and Vice-Chairmen were adopted:

FINANCE: Chairman, W. G. Gray; Vice-Chairman, G. E. Beament.

LEGAL EDUCATION: Chairman, B. J. MacKinnon; Vice-Chairman, W. Z. Estey.

ADMISSIONS: Chairman, R. W. Cass; Vice-Chairman, G. D. Finlayson.

DISCIPLINE: Chairman, Stuart Thom; Vice-Chairmen, G. E. Beament, G. H. Lochead.

PROFESSIONAL CONDUCT: Chairman, A. E. M. Maloney; Vice-Chairman, F. J. L. Evans.

LIBRARIES AND REPORTING: Chairman, R. D. Steele; Vice-Chairman, H. E. Harris.

UNAUTHORIZED PRACTICE: Chairman, Nathan Strauss; Vice-Chairman, S. E. Fennell.

PUBLIC RELATIONS: Chairman, G. F. Henderson; Vice-Chairman, R. H. Carley.

Legal Aid: Chairman, J. D. Bowlby; Vice-Chairmen, P. S. FitzGerald, G. E. Wallace.

Legislation and Rules: Chairman, E. A. Goodman; Vice-Chairman, A. S. Pattillo.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 8th of June, 1972, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. W. Z. Estey, Vice-Chairman, and Messrs. Cass, Cory, Goodman, Grange, Gray, Krever, Morden, Pattillo, Sheard, Thom, White, and R. F. Wilson.

Director's Report

The Director submits the following matters for consideration:

1. *Time-Table for 1972-73:*

A revised time-table for 1972-73 is submitted for the approval of the Committee. The changes from last year involve combining Real Estate (previously three weeks) with Landlord and Tenant (previously one week) in one three-week section; enlarging the section on Income Tax from one week to two weeks, and moving it into the Fall term; introducing a new one-week section on Law Office Procedures and Economics; condensing Civil Procedure I from three weeks to two weeks; and moving Creditors' Rights and Bankruptcy from the Fall to the Spring session. The Committee is asked to settle the time-table according to this form.

Approved

2. *Conducting 1972-73 Teaching Term:*

685 students are expected to attend the teaching term commencing in September. This is an increase of 156 students or 30% over last year. In order to accommodate this large enrolment it will be necessary to conduct the teaching term of the Bar Admission Course in two divisions; one in the morning for approximately 340 students and one in the afternoon for the same number. The morning session would be from 9 a.m. to 1 p.m. allowing the first two hours for classroom presentation, and the last two for discussion groups in the seminar rooms. The afternoon session would be from 12 o'clock to 5 p.m. on the same format. In most cases the morning lectures would be videotaped and played back in the afternoon eliminating the necessity of a lecturer personally delivering the same material twice. The divisions would rotate from morning

to afternoon at the completion of each section so that the students would share live and television viewing. This arrangement is necessary to avoid over-crowding in the halls, cafeteria, library and other facilities.

To implement this change it will be necessary to make a modest purchase of new equipment and engage a technician. The equipment required consists of three videotape machines; one to playback pre-recorded tapes used by the lecturer to illustrate his commentary, and the other two for use in recording the presentation for the afternoon playback. Two recording machines are necessary in order to provide back up in case one of them fails to function.

The Instructional Media Centre recommend the purchase of three Sony videotape record and playback units and the question of the format of the tape is to be referred to the Vice-Chairman, the Chairman of the Finance Committee and the Director, with power to act.

A technician is required:

(a) To take responsibility for the recording and playing back of all videotapes;

(b) To operate the machines and to monitor the audio and video levels during both recording and playback sessions;

(c) To provide day-to-day maintenance; and

(d) To assist the Heads of Sections in the production of video and audio materials.

Continuing Education will also require his services and will be in a position to pay part of his salary (indeed, this same point applies to the other additions mentioned in the following item 3).

The Media Centre advises that a full-time technician with the skills needed for the operation could be obtained from the class of recent graduates of a community college at about $135 weekly, to start work on the 1st of September, 1972.

Approved—subject to the approval of the Finance Committee.

3. *Additions to Staff*:

Student enrolment will see an increase of 30% in September (529 last September compared to 685 this coming September) and printing needs will increase 36% (runs of 625 copies last year, compared to 850 copies required in this coming year), making it necessary to add to present staff, as follows:

(a) Press Operator for Printing Department: To operate the offset press so that the present operator can be transferred to a night shift, thereby increasing press time without purchasing another press.

(b) Audio-Visual Technician; as outlined in item 2.

(c) Telephone Receptionist and Clerk Typist: To handle incoming calls and to assist Student Awards Officer in the routine typing associated with enrolment, confirmation forms for banks, envelope typing for statement of awards, forwarding student applications for jobs, and other routine assignments.

(d) Clerk Typist: For general office typing, mainly because of increased student enrolment but also as a back-up typist for materials distributed in Continuing Education Programmes.

(e) File Clerk and Girl Friday: To handle filing, messages, Xeroxing and incoming and outgoing mail delivery.

Approved—subject to the approval of the Finance Committee.

4. PETITION

Mary Jane Mossman asks permission to defer entering the teaching period of the Bar Admission Course in September 1972. It is her intention to accept a lecturing position at the University of New South Wales, Sydney, Australia.

Approved

It was moved and seconded that the plan of the Bar Admission Course for the ensuing year, including curriculum, staff and equipment, be put before this Committee no later than the February meeting.

Carried

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday the 8th of June, 1972, at 2:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Grange, Lochead, MacKinnon, Sheard and Thom.

TRANSFER APPLICATIONS; PETITIONS

Your Committee considered and approved applications to transfer to practice in Ontario made under the appropriate regulations by candidates from Manitoba, Quebec, the United Kingdom and India. It considered four petitions made by students.

COMMONWEALTH EXAMINATION

The following candidate was approved by the Committee to proceed under Regulation 7 and sat the required examination in Osgoode Hall.

The examination was identified only by a number and a Report of the examiners is as follows:

Candidate	*Paper No.*	*Marks out of 100*
026	5	43
	6	40

Your Committee recommends he be advised he failed to achieve pass standing.

SERVICE UNDER ARTICLES—Service as Law Clerk to a Judge of the Supreme Court of Canada.

Your Committee is asked to consider whether students should in any circumstances be allowed to serve part or all of their articles as clerks to Judges of the Supreme Court of Canada.

Your Committee recommends the matter be referred to a Sub-Committee composed of Mr. R. I. Cartwright as Chairman and Mr. S. Borins, with power to add one more member.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 8th day of June, 1972, the following members being present: Mr. Gray, Chairman, Mr. Beament, Vice-Chairman, and Messrs. Fennell, Levinter, MacKinnon, Pattillo, Sheard, Steele, Thom and R. F. Wilson.

ACCOUNTS

The Secretary reports that from 1st May to 31st May, 1972, accounts, including Library Accounts, properly approved, to the amount of $132,504.19 have been paid.

Approved

FINANCIAL STATEMENT, 1st September 1971 to 31st May 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1971 to 31st May 1972.

Approved

ROLLS AND RECORDS

The Secretary reports:

Appointment to the Bench

The following member has been honoured by his appointment to judicial office, and his membership in the Society is in abeyance:

Douglas Victor Latimer, Q.C. Milton	Called—27 June 1957: Appointed Provincial Judge (Criminal Division), County of Halton—June 1, 1972.

Noted

Deaths

The following members have died:

Francois J. Daigneault, Ottawa	Called—10 April 1964; Deceased—29 April 1972.
Arthur S. Pearson, Toronto (Honorary Life Member)	Called—24th November 1921; Deceased—6th May 1972.
Edward D. Fulton, Q.C., Lindsay	Called—18 June 1931; Deceased—13 May 1972.
(Miss) Lynne Adair Hardtman, Toronto	Called—19 March 1970; Deceased—15 May 1972.
Chalmer Harper Weir, Q.C., Toronto	Called—15 June 1922; Deceased—26 May 1972.

Noted

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Gordon Ross Mackay, Toronto	Called—27 June 1957; Disbarred—Convocation, 19 May 1972.

Noted

REINSTATEMENT—*Reginald S. W. Fordham, Q.C., Ottawa*

Mr. Fordham was called to the Bar on 20th October 1921. He has now retired as Chairman of the Tax Appeal Board after having served twenty-one years on that Board. In 1962

Mr. Fordham requested that his membership in the Society be transfered to Past Records. He now wishes to renew his status at the Bar.

Your Committee recommends that Mr. Fordham be reinstated upon payment of arrears of fees.

REINSTATEMENT—*William E. Bastedo, Victoria, B.C.*

Mr. William E. Bastedo asks to be reinstated as a member of the Law Society, and submits a cheque in payment of arrears of fees.

Your committee recommends that Mr. Bastedo be reinstated.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual returns for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved

ERRORS AND OMISSIONS INSURANCE

Defaulters in applying for Coverage or Exemption

Convocation on 19th May 1972 adopted this Committee's recommendation that those members who have not paid the required levy or filed an application for exemption from coverage by the 31st of May 1972 and are in default for four months be suspended from practice for one year and from year to year thereafter or until they have complied with the relevant requirements.

Those in default were notified by the Secretary and since then a large number have filed the necessary application and if necessary paid the levy. There are still 39 members in default under suspension.

Noted

LEGAL EDUCATION COMMITTEE

Your Committee recommends approval of expenditures recommended by the Legal Education Committee as set forth in the Director's Report, subject to an over-all limit of $41,000.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON SOLICITORS LIABILITY INSURANCE—Mr. Gray

The Special Committee on Solicitors Liability Insurance reported to a special Convocation on the 7th December 1971 on the termination of the coverage by the Guardian Insurance Company, and the arrangements respecting the new policy now in effect. Since then the Treasurer has orally kept Convocation advised of the negotiations which have been continuing with the Guardian.

On the 5th of January 1972 the Treasurer and Mr. Alastair Paterson, the Society's counsel in the matter, went to London, England, for discussions with Mr. E. F. Bigland, Managing Director, Guardian Royal Exchange Assurance Group.

A meeting on Wednesday, the 2nd February was attended by the Treasurer and Mr. O'Brien with Mr. Alastair Paterson; and Mr. Manning of the Guardian Insurance who attended with Mr. J. Donald Bell as counsel who had Mr. K. C. Vaughan with him.

At that meeting it was agreed that some formula would be sought whereby if the paid losses under the Guardian policy were less than Guardian expected, a readjustment of the paid premium would be made in favour of the Society, and if the losses exceeded expectations, the adjustment would be in the other direction.

Counsel was retained by the Society to review the claims filed under the Guardian policy and the reserves set up in respect of them.

The Treasurer and Messrs. Gray, Henderson, O'Brien and Pattillo met with Mr. Paterson on the 15th February to consider a formula drafted by Mr. Bell, and a suggested letter which would be sent to the profession by the Treasurer. The letter set forth statements Guardian wished brought to the attention of the members of the Society, and would also report on the arrangements made between Guardian and the Society.

A further meeting was held on the 29th March when Mr. Gray was Chairman and Messrs. Lochead, O'Brien and the Treasurer attended, as did Mr. Paterson and Mr. Fred Maltman, the Society's Adjuster. The meeting approved in principle the proposal made by Guardian and that negotiations should continue with a view to settling the wording of an agreement which could be recommended to Convocation.

Messrs. Gray and O'Brien met with Mr. Paterson on the 10th May to give further consideration to the Treasurer's letter to the profession. A draft was agreed upon at a meeting on the 16th May when the Treasurer and Mr. O'Brien, with Mr. Paterson, met with Mr. Bell and Mr. Vaughan.

The Committee met on the 15th June. There were present the Treasurer, and Messrs. Gray and Lochead, and Mr. Paterson.

Your Committee now recommends that Convocation approve the agreement and the letter which are before Convocation, the letter to be sent to all members of the Society as soon as the agreement has been executed.

THE REPORT WAS ADOPTED (unanimously).

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Adolf Gubler
Romeo Celestin Champagne — Transfer, Quebec.

DISCIPLINE COMMITTEE—Mr. Thom

Your Committee met on the 8th day of June, 1972 at 10:15 a.m. in the forenoon, the following members being present: Mr. S. D. Thom (Chairman), Mr. G. E. Beament (Vice-Chairman), Mr. G. Lochead (Vice-Chairman), and Messrs. Bowlby, Carley, Cartwright, Cass, Cory, Estey, Evans, Goodman, Grange, Gray, Griffiths, H. E. Harris, Krever, Maloney, MacKinnon, Pallett, Pattillo, Seagram, Steele, Strauss, Wallace, White and Levinter.

The Chairman was authorized to appoint a sub-committee to consider and report on what steps can be taken to protect the public from loss resulting from the theft or dishonesty of solicitors' employees and, in this connection, to consider the feasibility of loans from the Compensation Fund to solicitors who have suffered heavy losses from such activities on the part of their employees.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Beament

COMPENSATION FUND

For the period 1st September, 1971 to 31st May, 1972

	Month of May, 1972	*9 months ending 31st May, 1972*		
Balance on Hand, 31st Aug. 1971				$1,324,373.74
Receipts				
Fees—				
6,500 at $30.00 ea.	$ 540.00		$195,000.00	
Investment Income				
Gov. of Canada	$ —	$33,500.00		
Guar. Deposit Interest	6,213.89	27,428.64		
Bank Interest	—	482.31	61,410.95	256,410.95
Recoveries				
A. F. Blotti	—		$ 4,363.56	
J. M. Godo	100.00		900.00	
S. Resnick	—		47,748.29	
Shuttleworth	—		400.00	
Parisien	—		4,522.04	57,933.89
	$ 6,853.89			$1,638,718.58
Disbursements				
Grants—				
Blotti (30)	—	$54,300.73		
Bowman (12)	$45,990.25	45.990.25		
Parisien (1)	—	14,647.12		
Passi (1)	385.00	385.00		
Coleman (4)	—	6,686.94		
McGrath (1)	—	2,396.44		
Wineberg (1)	—	1,500.00		
Card (1)	—	3,000.00	$128,906.48	
Counsel Fees, Reporters, etc.	2,479.65		17,801.96	
Annual Fee Refund	—		420.00	147,128.44
	($42,000.01)	Balance — 31/5/72		$1,491,590.14

Resume of Gross Claims Outstanding

Claims received and not processed as of 30th April, 1972		$2,269,370.57
Received during month of May		10,604.27
		$2,279,974.84
Dismissed or withdrawn during month of May	$234,691.29	
Settled by payment in whole or in part	46,375.25	281,066.54
**Claims received and not processed as of 31st May, 1972*		$1,998,908.30

*Blotti —	$ 310,432.13
Caplan —	1,000,922.88
Harris —	519,749.90
	$1,831,104.91

Total paid to 31st May, 1972 on account of 817 claims in respect of 82 former solicitors	$2,547,906.67

THE REPORT WAS RECEIVED

RE: GORDON ROSS MACKAY, Toronto

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA
IN THE MATTER OF THE Law Society Act, 1970
AND IN THE MATTER OF *Gordon Ross Mackay*,

of the City of Toronto, a Barrister and
Solicitor (hereinafter referred to as
"the Solicitor")

THE DECISION of the Discipline Committee dated 28th January, 1972, that the Solicitor is guilty of professional misconduct, was read in Convocation on April 21st, 1972 and accepted. The Solicitor, although having been personally served with a copy, did not attend.

THE SOLICITOR was personally served with notice that a motion that he be disbarred be considered and voted on this day in Convocation and that he might attend with or without counsel. He did not attend, nor did counsel on his behalf.

CONVOCATION HEREBY ORDERS that the said *Gordon Ross Mackay* be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 19th day of May, 1972.

(Seal — *"Sydney R. Robins"*
The Law Society Treasurer
of Upper Canada) *"Kenneth Jarvis"*
Secretary
Filed

RE: JOHN DEAN ARCHER, Scarborough

IN THE MATTER OF THE Law Society Act, 1970
AND IN THE MATTER OF *John Dean Archer*, of
the Borough of Scarborough, a Barrister

and Solicitor (hereinafter referred to as
"the Solicitor")

The solicitor attended with Mr. W. J. Smith, Q.C., his counsel. The reporter was sworn. Members of the Committee who sat on the matter took no part in the discussion and did not vote. The Secretary read the Decision of the Discipline Committee.

It was alleged in the Notice of Complaint that the Solicitor was guilty of professional misconduct in that he received $3,500 more or less, from a client in trust to invest on the security of a mortgage of certain premises and misappropriated it; with intent to deceive made a false report thereon to the client; was party to the preparation, execution and delivery of a false or spurious mortgage document; purported to have administered the oath to one who had not signed nor sworn an affidavit of age and marital status; purported to swear the affidavit of execution which he knew to be false; and forged or caused to be forged a signature as Commissioner to the affidavit of execution.

Upon the evidence all allegations save the last one were found to be established. The Committee found that the solicitor had perpetrated a fraud upon a client to obtain trust funds which he appropriated to his own use, and that although his client suffered no harm and the monies were repaid, this might not have been the case had the solicitor not been able to repay them. Medical evidence established that the solicitor suffers from alcoholism for which he is undergoing treatment.

Mr. Smith made no representations respecting the acceptance of the Decision of the Committee. The solicitor, his counsel and the reporter retired. It was moved and seconded that the Decision be accepted. This was carried. It was moved and seconded that the solicitor be disbarred as a barrister, that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled. It was further moved and seconded that the solicitor be reprimanded in Convocation, upon undertaking to Convocation that he would not engage in the private practice of law without the permission of Convocation, and that he would continue with his present rehabilitation treatment until such time as he is discharged by his medical adviser. It was moved and seconded in amendment of the last motion that the solicitor be reprimanded in Convocation and required to pay the costs of the Society's investigation up to an amount not exceeding $1,000. The solicitor, his counsel and the reporter returned.

The solicitor and his counsel were advised that Convocation had accepted the Decision of the Discipline Committee and of the motions before Convocation respecting penalty. The solicitor, his counsel and the reporter then retired. The motion to disbar was lost. The motion to reprimand as amended was carried. The solicitor, his counsel and the reporter returned. The solicitor and his counsel were advised of the disposition of the motions respecting penalty.

The solicitor, having given the undertakings to Convocation as above and waived his right of appeal of Convocation's Order, requested that the penalty of reprimand be carried out forthwith. Convocation accepted the solicitor's undertakings and the Treasurer reprimanded him.

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Monday, the 12th day of June, 1972, the following members being present: John D. Bowlby, Q.C., Chairman and Messrs. Barnes, Common, Cory, FitzGerald, Gray, Griffiths, Killeen, Levinter, Lochead, Maloney, Morden, Poole and Wallace.

Mr. Lee K. Ferrier, Solicitor, attended at the invitation of the Committee.

The Honourable Dalton A. Bales, Q.C., Attorney General, and Frank W. Callaghan, Q.C., Deputy Attorney General, were also invited to attend a special meeting of the Committee at 11.30 a.m.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of April, 1972.

(b) The Director submitted recommendations with respect to writing-off balances owing by contributing clients pursuant to Section 98(2) of the Regulation. These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Approved

(c) The Director submitted recommendations with respect to writing-off client recoveries pursuant to Section 98(2) of the Regulation. These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Approved

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the month ended April 30th, 1972.

(b) *Collections*

At the May meeting the Committee discussed in some detail collection procedures and the responsibilities involved in the collection of accounts and the writing-off of uncollectible accounts.

Your Committee reviewed a memorandum from the Controller with respect to collection procedures.

The Committee moved that a sub-committee be appointed by the Chairman consisting of two members; the sub-committee to consult with the Controller and any other member of the Director's staff which may be necessary, including area directors; the sub-committee to report their recommendations to the Committee on improved collection procedures at the July meeting.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the 3 months ended May, 1972.

(b) The Legal Accounts Officer submitted a report for the month of May, 1972 with respect to reviews and appeals.

APPOINTMENT OF A GOVERNMENT REPRESENTATIVE TO THE LEGAL AID COMMITTEE

Your Committee discussed the appointment of a Government representative to the Legal Aid Committee.

It was moved that a member of the Attorney General's Department be asked to sit as a non-bencher member of the Legal Aid Committee with voting privileges.

PUBLIC RELATIONS

Your Committee discussed the matter of public relations and the need to engage in a public relations programme for the Legal Aid Plan with a view to utilizing existing government facilities.

The Chairman recommended to the Committee that a meeting with the Treasurer, the Legal Aid Committee and the Public Relations Committee take place this summer so that submissions can be made to Convocation on this important topic.

CARLETON COUNTY PILOT PROJECT ON UNCONTESTED DIVORCE ACTIONS

Mr. L. K. Ferrier, Solicitor, who has been acting as consultant to the Area Director, Carleton County with respect to the pilot project on uncontested divorce actions, appeared before the Committee.

James B. Chadwick, Area Director, submitted a report to the Committee on the pilot project. Mr. Ferrier discussed the report in detail with the Committee and pointed out that a conclusive report will not be available until early in November, 1972, as the first divorce actions under the project will not be heard until the September sittings.

The Committee recommended that Mr. Ferrier and Mr. Chadwick should determine a date to end the pilot project when they feel that sufficient material has been obtained with respect to cost analysis and statistics.

The Committee further recommended that a sub-committee be appointed to review with Messrs. Chadwick and Ferrier the results of the Ottawa pilot project.

Lucien Beaulieu, Assistant Provincial Director, was requested to synopsize the submissions received from members of the Bar and the local Law Associations in answer to a notice which was inserted in the February 25th, 1972 edition of the *Ontario Reports* with respect to the pilot project; the synopsis to be distributed to the sub-committee.

REFERRAL OF DUAL PROCEDURE MATTERS TO STUDENTS

On April 21st, 1972, Convocation referred back to the Legal Aid Committee for further consideration the Committee's recommendation that since narcotics cases present a serious social problem, area directors should not refer possession charges to students and should issue a legal aid certificate in accordance with the Act and Regulation.

Possession of narcotics is a dual procedure offence and under Section 12(2) of the Legal Aid Act is initially deemed to be an offence triable on summary conviction until the prosecution exercises its election.

The Area Director, pursuant to Section 13 of the Act, may exercise his discretion in favour of an applicant and issue a certificate in a summary conviction proceeding if upon conviction there is likelihood of imprisonment or loss of means of earning a livelihood.

The Chairman expressed concern that because summary conviction matters were referred to students they were in some instances handling possession of narcotics and asked that the matter be considered by the Legal Aid Committee.

The Committee was informed that students were, in fact, handling other elective matters such as impaired driving charges, etc.

The Committee was of the opinion that students have no status in these matters until such time as the Crown makes its election. Therefore, dual procedure charges should not be referred to students.

Some Area Directors have expressed concern regarding the proper interpretation to be placed on Section 13 of the Act. The essential concern is that there is presently either little or no likelihood of imprisonment as a result of a conviction for simple possession of drugs and the majority of youths charged are either unemployed or unlikely to lose their employment as a result of a conviction.

Under the present judicial climate there may be no likelihood of imprisonment or immediate loss of means of earning a livelihood. However, the Committee is of the opinion that a conviction for possession of narcotics may have potentially dangerous impediments to employment and mobility of persons internationally. There is, in addition, a feeling that young persons are in dire need of legal assistance and representation even on a first offence for possession because of the law enforcement procedures and local community attitudes prevalent in certain areas.

The Committee is of the unanimous opinion that its April recommendation with respect to this matter be returned to Convocation.

The Committee again recommends that a possession of narcotics charge not be referred to students because of the nature of the charge and the potential consequences that may flow therefrom. Legal Aid certificates should be issued to financially eligible applicants charged with such an offence.

CORRESPONDENCE

Re: Parkdale Community Legal Services

The Committee considered correspondence from Frederick H. Zemans, Director, Parkdale Community Legal Services, dated May 30th, 1972.

Mr. F. J. E. Jordan, Community Legal Services Project Officer, Department of Justice, Ottawa, requested Professor Zemans to obtain a letter of support from the Law Society of Upper Canada in respect to the Parkdale Community Legal Services application for a grant from the Department of Justice to hire a third lawyer.

Your Committee recommends that the Society approve the request for the grant and that a letter be sent to Mr. Jordan expressing the Society's concern regarding supervision of the student activities in the Parkdale programme.

Your Committee was of the further opinion that the letter should in no way be deemed an endorsement of the centre by the Law Society (the letter to Mr. Jordan to be written by the Chairman).

THE ENGLISH LEGAL AID PLAN

Your Committee considered the suggestion of the Chairman that Mr. Seaton Pollock, Director of the English Legal Aid Plan, be invited to visit Toronto the third week in September so that the Committee will have the benefit of his views and experience. It was also suggested that a meeting of the area directors be called to coincide with Mr. Pollock's visit.

The Committee moved that Mr. Pollock be invited to visit Toronto and that his expenses be paid by the Ontario Legal Aid Plan.

VISIT OF THE HONOURABLE DALTON A. BALES, Q.C., ATTORNEY GENERAL AND FRANK W. CALLAGHAN, Q.C., DEPUTY ATTORNEY GENERAL

At the invitation of the Legal Aid Committee, the Honourable Dalton A. Bales, Q.C., Attorney General, and Mr. Frank W. Callaghan, Q.C., Deputy Attorney General, attended the meeting at 11:30 a.m.

The Chairman welcomed the Attorney General and the Deputy Attorney General and reviewed with them the history of the Plan, the activity and costs of the Plan and anticipated changes therein. The Chairman also reviewed the handling of uncontested divorce actions under the Plan and summarized the Carleton County Pilot Project. The Chairman also discussed community legal services and reported on the expansion of community legal services within the Plan.

The Attorney General was advised that the Legal Aid Committee had recommended that a Government representative be appointed to the Committee as a voting member. The Attorney General's attention was also drawn to the need for an improved public relations programme.

The Chairman informed the Attorney General of his visit to England with P. S. FitzGerald, Q.C., Vice-Chairman, and L. S. Fairbairn, Assistant Provincial Director, to review with the administrators of the English plan the latter's full range of experience under the English scheme. The Chairman noted that at the inception of the English Legal Aid Plan their tariffs were subject to a statutory reduction. However, this reduction has now been dispensed with. The Chairman pointed out to the Attorney General that although the legal aid tariff reflects what a lawyer would charge a client of modest means, nevertheless the tariff should ensure that members of the profession receive reasonable compensation for legal aid services. It was pointed out that the tariffs have not been increased since the inception of the Plan although there has been a substantial rise in the cost of living. Therefore, it was suggested that in view of these factors a tariff increase might be considered and that thought be given to reducing the 25% statutory contribution.

The Attorney General enquired what position the Law Society took with regard to the issuance of certificates to ratepayers associations. The Attorney General was advised that a legal opinion has been requested with respect to the interpretation of the existing legislation as it relates to group actions.

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, 1966, the following names are submitted as appointments to the respective area committees:

York County

Alex Chumak, Probation Officer

Cochrane District

Peter F. Thalheimer, Solicitor, Timmins
Kenneth J. Alexander, Solicitor, Timmins
John H. Caldbick, Solicitor, Timmins
Harold B. DeGurse, United Steel Workers of America (Staff Rep.)

Renfrew County

Michael J. Fortier, Solicitor, Pembroke

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITEE—Mr. Maloney

Your Committee met on the 8th day of June, 1972 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Bowlby, Cory, Fennell, Goodman, Grange, Griffiths, Krever, MacKinnon, Morden, Pallett, Seagram, Strauss, Thom and Wallace.

1. RULING 10—SIGNS AND LETTERHEADS

Your Committee considered two questions with respect to this Ruling. The first was whether it is proper for a member of the Law Society of Upper Canada who holds an annual practising certificate from another jurisdiction to place on his cards and letterheads that he is a member of that other jurisdiction. The second was whether a member who is also a member of the Bar of another Province and who has been appointed a Queen's Counsel in that other Province but has not been appointed a Queen's Counsel in Ontario, is entitled to be designated as a Queen's Counsel on the letterhead of the Ontario firm with which he is associated. Your Committee was of the opinion that there should be no objection to either situation.

2. RULING 23—LEGAL WRITING

This Ruling, at present, reads as follows:

> "A Solicitor may write for a "legal" publication, that is, one intended to be read normally only by members of the legal profession, sign his name, and have his professional qualifications, firm name and biographical facts stated.
>
> A solicitor may write for "a non-legal" publication, that is, one with a general readership such as a newspaper, trade magazine, etc. and sign his name. He may be referred to as a Barrister and Solicitor or Queen's Counsel, as the case may be. But he may not be referred to as a specialist, nor may any statement of special qualifications, experience or abilities be made by him or otherwise."

The Committee, having been asked for guidance with respect to writing for a non-legal publication, became concerned as to the clarity of this Ruling. The question was considered at this meeting. Your Committee recommends that Ruling 23 be amended to read as follows:

Ruling 23

LEGAL WRITING

> A Solicitor may write for a "legal" publication, that is, one intended to be read normally only by members of the legal profession, sign his name, and have his professional qualifications, firm name and biographical facts stated.
>
> A Solicitor may write for a "non-legal" publication, that is, one with a general readership such as a newspaper,

trade magazine, etc. and sign his name. He may be referred to as a Barrister and Solicitor or Queen's Counsel, as the case may be. But he may not be referred to as a Specialist, nor may any other statement of his special or professional qualifications, experience or abilities be made by him or otherwise, nor may his firm name be stated.

3. Parkdale Community Legal Services

At its May meeting your Committee appointed a Sub-Committee to consider the question of what form of advertising, if any, should be permitted with respect to the Parkdale operation. The following is the Report of the Sub-Committee:

"To: THE CHAIRMAN OF THE PROFESSIONAL
CONDUCT COMMITTEE

The Report of the Sub-Committee on Advertising by Parkdale Community Legal Services

The Sub-Committee, together with Mr. Lyle Fairbairn, attended at the office of the Parkdale Community Services (hereinafter for the sake of brevity called "Parkdale") on Wednesday, the 7th day of June, 1972, in the afternoon and there met with Messrs. Zemans and Gathercole, the lawyers of Parkdale, the articled student of Parkdale and several members of the community who either perform services for clients of the firm, e.g., social workers, or are interested persons describing themselves as "friends of Parkdale Community Legal Services". Before going out we had been supplied with briefs on the subject both from these "friends" and from Parkdale itself.

We discussed at some length the need for advertising by or on behalf of Parkdale. We are satisfied that Parkdale fills a need not wholly met by the profession or covered by the Legal Aid Plan. Parkdale by its policy limits its services (which are gratuitous, financed largely by Dominion Government grants, to those who cannot afford the normal legal fees and in general confines its activities to those services for which a legal aid certificate would not normally issue, e.g., minor summary conviction matters, landlord and tenant, family court and domestic matters (not divorces), poverty law, group representations, etc. Parkdale and its friends are convinced that there are many potential recipients of these services in the Parkdale area who are not aware of them and it states that the object of the advertising is not to get more business but to meet an unmet need.

We believe that there may be benefit to us also in such advertising as Parkdale will make available to us the results of such advertising and will keep us regularly informed of the services rendered not covered by Legal Aid.

We pointed out to Parkdale and its friends that any advertising should be in good taste and should not promote or exaggerate grievances or the benefits to be obtained by consulting Parkdale. Parkdale is quite happy to state in all its advertising that its services are not designed for people who can afford a lawyer or for people who can qualify under Legal Aid. They will also send us (the Sub-Committee) copy of all advertising distributed.

We therefore recommend that Parkdale be permitted to advertise from now until the October Convocation upon terms that such advertising be confined to the Parkdale area and specify that the services are for those who cannot afford a lawyer's fees and who require services which may not be provided under the Legal Aid Plan.

We further recommend that your Sub-Committee be asked to report back to the Committee at its October meeting for further consideration of the problem by the Committee at that time.

June 7, 1972 "

Your Committee recommends the adoption of this Report.

It was moved and seconded that the advertisements of the Parkdale Community Legal Services require approval by the Society.

Lost

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 8th day of June, 1972, the following members being present: Messrs. Steele (Chairman), Carley, Grange, H. E. Harris, Seagram and Wallace, and Miss A. R. McCormick. Mr. Horace Krever also attended.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st May, 1972, were approved.

CATALOGUE CABINET—GREAT LIBRARY

The estimated cost to purchase equipment to expand the Card Catalogue Cabinet in the Great Library is $1,785.

Approved

BOOK LIST

A list of books which have been recently purchased for the Great Library was approved.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following associations have sent in their annual returns. The amount which each should receive under the Rules for the year 1972 and the amount received in 1971 are as follows:

	1972		*1971*
Algoma	$1,880.00		$1,985.00
Elgin	1,085.00		1,285.00
Essex	2,000.00		2,000.00
Frontenac	2,000.00		2,000.00
Haldimand	750.00		750.00
Lambton	1,435.00		1,880.00
Muskoka	835.00		870.00
Ontario	2,000.00		2,000.00
Parry Sound	750.00	Less) $200.) Loan)	550.00
Prescott & Russell	750.00		750.00
Waterloo	2,000.00		2,000.00

Approved

REPORTING

ONTARIO MUNICIPAL BOARD DECISIONS

Your Committee had before it a letter from a County Law Association commenting on the inadequacy of reporting Ontario Municipal Board Decisions.

Your Committee would like to canvass members of the profession as to the demand for publication of judgments of Administrative Tribunals generally.

ONTARIO LAW REFORM COMMISSION

At its April meeting your Committee had before it a letter from the Ontario Law Reform Commission asking the Society to comment on the question of the Society's continuing to publish the Ontario Reports. Your Committee recommends that this letter be replied to as follows:

Toronto,

1972

Ontario Law Reform Commission,
Administration of Ontario Courts Project,
18 King Street East,
Toronto 1, Ontario.
Attention: Mrs. Carol M. Creighton, Assistant Counsel.

Dear Sirs:

Re: Law Reporting and the
Ontario Law Reform Commission

As you are undoubtedly aware, the Law Society of Upper Canada has undertaken the responsibility of publishing the Ontario Reports for some 40 years at its sole expense.

Although this represents a considerable financial outlay to the Society — it nevertheless feels that it has a duty to the public and to the profession to see that cases are reported fully, accurately and properly and would like to continue to do so.

The Society believes that this function has been satisfactorily performed in the past, but is prepared to adapt to any changes which may reasonably improve the quality of this service. For this reason, the Society favours the formation of an Advisory Committee on Law Reports as recommended by the Judges of the Supreme Court of Ontario to assist the Libraries and Reporting Committee of the Society in this work.

At a meeting of Convocation held on May 19th, 1972, it was resolved as follows:

(a) That the Society wishes to continue to publish the Ontario Reports.

(b) That the Society wishes to continue to finance the publication of the Reports but it would welcome financial assistance from the Government insofar as the cost involved to provide the Reports to persons who are not members of the Society is concerned.

(c) That the Society favours the formation of an "Advisory Committee on Law Reports" as recommended by the Judges of the Supreme Court of Ontario.

I, as Chairman of the Committee on Libraries and Reporting of the Law Society, have been asked by Convocation to communicate the Society's views to you and to assure you of our desire to co-operate with the Commission in every possible way to assist it in this project.

Yours very truly,

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th day of June, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Fennell, FitzGerald, Pallett, Steele and White.

DIVORCE COMPANIES

Toronto Counsel attended before your Committee to discuss the investigation completed to date into the activities of divorce companies operating in Ottawa, London and Toronto. Copies of Counsel's report letters dated 5th May 1972 and 7th June 1972, are before Convocation.

Counsel recommends against instituting proceedings on the basis of the evidence presently available.

Your Committee views this matter very seriously and respects Counsel's opinion and is continuing its investigation for better evidence. However, your Committee is of the opinion that the present evidence is sufficient on which to base a charge and has decided that proceedings should be instituted immediately against all parties involved. Unless proceedings are begun forthwith, then the six-month limitation period will have expired insofar as certain of the evidence is concerned.

Your Committee also decided that the Chairman and such others as he may appoint meet with the Attorney General for Ontario for the purpose of advising the Attorney General of the Society's investigation so that his office may decide if it should take any action in the matter.

In Counsel's report to your Committee, reference was made to the names of solicitors who your Committee feels may have some improper connection with these divorce services and your Committee is referring this aspect of the matter to the Discipline Committee for investigation.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON COMPETITION ACT

Mr. Henderson, Chairman, presented a brief oral report respecting the proposed Competition Act which is presently undergoing extensive redrafting.

CORRESPONDENCE

The Treasurer presented the following correspondence:

Letter from Mrs. M. A. Seymour thanking the Treasurer and the Benchers on behalf of her husband for their gift of flowers and good wishes during his illness.

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 15th day of September, 1972.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 18th August, 1972
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Bowlby, Carley, Cass, Cory, Fennell, Finlayson, FitzGerald, Goodman, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lochead, MacKinnon, McCulloch, Morden, Pattillo, Seagram, Sheard, Slemin, Steele, Strauss, Trepanier, Thom, Wallace and White.

Present on the Treasurer's invitation were Messrs. Andrew M. Lawson, Q.C., Lyle S. Fairbairn and D. J. McCourt, C.A.

LEGAL AID COMMITTEE—Mr. Bowlby

I Your Committee met on Wednesday, the 12th day of July, 1972, the following members being present: John D. Bowlby, Q.C., Chairman and Messrs. Barnes, Cass, Common, Cory, FitzGerald, Griffiths, MacKinnon, Maloney, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of May, 1972.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 2 months ended May 31st, 1972.

The Controller submitted a statement of solicitor's accounts for services rendered the Ontario Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for three months ended June 30th, 1972.

(b) The Legal Accounts Officer submitted a report for the month of June, 1972 with respect to reviews and appeals.

APPOINTMENT OF SUB-COMMITTEE RE CARLETON COUNTY PILOT PROJECT ON UNCONTESTED DIVORCES

At its June meeting your Committee recommended that a Sub-Committee be appointed to review with James B. Chadwick, Area Director, Carleton County, and Lee K. Ferrier, Solicitor, who has been acting as consultant to the Area Director, the results of the Ottawa Pilot Project on Uncontested Divorces.

The Committee had recommended that Messrs. Chadwick and Ferrier should determine a date to end the pilot project when they feel that sufficient material has been obtained with respect to cost analysis and statistics.

Your Committee now recommends that the Sub-Committee consist of the following:

Gordon P. Killeen, Solicitor
A. W. Maloney, Q.C.
R. E. Barnes, Q.C.
Peter Cory, Q.C.
J. W. Morden
Lee K. Ferrier, Solicitor
J. G. Chadwick, Area Director, Carleton County

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, the following names are submitted as appointments to the respective area committees:

Waterloo County
Professor W. G. Scott, University of Waterloo
Huron County
Donald I. Stewart, Solicitor, Seaforth

RESIGNATIONS:

Waterloo County
J. A. Seamark (deceased)

Kenora District
Vernon C. King

Peel County
Herbert Metcalfe, Q.C. (deceased)

Halton County
Donald A. Carnie (deceased)
Douglas C. Latimer, Q.C.

Huron County
Patrick D. McConnell, Q.C. (deceased)

THE REPORT WAS ADOPTED

II Your Committee met on Wednesday, the 9th day of August, 1972 the following members being present: P. S. Fitz-Gerald, Q.C., in the Chair and Messrs. Barnes, Beament, Bowlby, Cass, Cooper, Cory, Gray, Killeen, Lochead, Morden, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of June, 1972.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 3 months ended June 30th, 1972.

(b) The Controller submitted a statement of a solicitor's account for services rendered the Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(c) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of July, 1972.

(b) The Legal Accounts Officer submitted a report for the month of July, 1972 with respect to reviews and appeals.

STATUTORY POWERS PROCEDURE ACT

John W. Morden, Chairman of the Sub-Committee Appointed to Review the Statutory Powers Procedure Act, submitted a report to your Committee.

After an in-depth discussion of the report your Committee recommended that the Sub-Committee be authorized to draft for presentation to the Attorney General a submission concerning a proposed procedure for substantial compliance with the Statutory Powers Procedure Act.

It is anticipated that the submission will include estimates of costs:

a) in the event that the Statutory Powers Procedure Act requires hearings to be held at the various levels of application provided for by the present legal aid legislation,
alternatively —

b) in the event that J. W. Morden's recommendations are implemented.

The Committee requested the Sub-Committee to refer back to the Committee the said submission for further consideration and that the Area Directors also be consulted with respect to Mr. Morden's report.

COMMUNITY LEGAL SERVICES

At its July meeting the Sub-Committee Appointed to Report on Community Legal Services, Messrs. FitzGerald, Cory and Wallace, submitted a report to the Committee drafted by L. S. Fairbairn.

At a prior meeting on June 28th the Sub-Committee had reached a consensus on the "Summary of Essential Conclusions and Recommendations" contained in the report.

Your Committee, after an in-depth review, recommended the following, subject to the approval of Convocation:

1) A pilot project be authorized in Hamilton on the clinical model suggested in the report.
2) A pilot project on the Advice and Assistance programme to be implemented along the lines in the report in an area to be selected by the Director.

The above two recommendations were made by the Sub-Committee since it was felt that it could not proceed further with its proposals in the absence of more concrete data concerning costs and response which would be obtained through the implementation of the above two pilot projects.

Your Committee further recommended:

3) That the York County recommendation contained in the report be implemented.

Mr. P. S. FitzGerald and his Sub-Committee were then asked to edit the text of the report to put it into an appropriate form for release to interested parties. Copies of the report were distributed to the Legal Aid Committee for their comments.

The Sub-Committee met on August 8th and completed its editing with the benefit of the additional detailed comment of individual members of the Committee.

Your Committee reviewed the edited report at its meeting on August 9th and approved it in the form recommended by the Sub-Committee.

The Director was instructed to forward copies of the report to all Benchers. However, the report is to be held in confidence at this point in time.

The Committee requests Convocation to also approve in principle the advisability of:

a) Increased lay participation in area committees.
b) The periodic report by representative members of the community to the Legal Aid Committee and the Advisory Committee on the local effectiveness of the Plan,

together with any recommendations respecting its future development in particular localities.

The complete report was before Convocation.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

W. Gibson Gray, Q.C., Chairman of the Sub-Committee Appointed to Review the Legal Aid Tariffs, submitted the following proposals which were approved by your Committee:

1) That the County Law Associations, Area Directors Criminal Lawyers Association, the Ontario Branch of the Canadian Bar Association and the Advocates Society be asked to provide any suggestions or proposed amendments to the criminal and civil tariffs.
2) That a notice be inserted in the Ontario Reports inviting similar comments from the profession.

Your Committee authorized the Sub-Committee to review in principle the statutory 25% contribution provided for under the Legal Aid Tariffs.

SUB-COMMITTEE APPOINTED TO REVIEW IMPROVED COLLECTION PROCEDURES

George E. Wallace, Q.C., Chairman of the Sub-Committee Appointed to Review Improved Collection Procedures, submitted a report to your Committee.

Your Committee approved the recommendations set forth in the report.

FEDERAL FUNDING OF "INDEPENDENT" COMMUNITY LEGAL SERVICES

L. S. Fairbairn, Assistant Provincial Director, submits a memorandum and schedule with respect to Federal Funding of "Independent" Community Legal Services.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE

Read in Convocation and confirmed this 20th day of October, 1972.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 15th September, 1972

10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cass, Chappell, Cooper, Cory, Estey, Evans, Fennell, Finlayson, FitzGerald, Grange, Gray, Griffiths, Howland, Krever, Lochead, MacKinnon, Maloney, Morden, O'Brien, Pallett, Pattillo, Raney, Seagram, Sheard, Slemin, Sopha, Strauss, Thom, Trepanier, Williston and Zahoruk.

The Minutes of Convocation of June 16th, 1972, were read and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 7th of September, 1972, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Cass, Grange, Gray, Griffiths, Henderson, Howland, Krever, Morden, Thom and White.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Criminal Law Prize. Mr. William B. Common, Q.C., has generously offered to donate a $100 cash prize each year to the student obtaining the second highest standing in the examination on Criminal Law. The Director recommends that the prize be known during the donor's life as "The William B. Common Prize" and after his death as "The William B. Common Memorial Prize".

It is respectfully requested that the Committee approve this contribution and forward to Mr. Common an expression of the law Society's appreciation.

Your Committee accepted with gratitude.

Faculty Appointments. The following appointments to the Bar Admission Course faculty for the 14th teaching term are put forward for the approval of the Committee:

(a) *Law Office Management and Procedure*:

The appointment of Mr. Norman MacL. Rogers, Q.C., as head of this section and Mr. R. J. Wright as assistant head;

(b) *Real Estate and Landlord and Tenant*:

Mr. Donald H. L. Lamont, Q.C., to continue as head of this section and the following instructors to either continue or be appointed: Mr. P. A. Adams, Mr. A. Bennett (new), Mr. T. H. Bjarnason (new), Mrs. Moira L. Caswell, Mr. K. J. C. Dean, Mr. T. G. Deacon, Mr. J. K. Doran, Mr. C. T. Fletcher (new), Mr. L. Fine, Mr. J. Freyseng, Mr. D. G. Friend, Mr. R. W. Gardner, Mr. M. T. Garvey (new), Mr. J. G. N. Johnston, Miss Miriam A. Kelly (new), Mr. B. J. M. Koepke (new), Mr. D. J. Mackey (new), Mr. J. N. Magill (new), Mr. P. Merrick (new), Mr. D. Milman (new), Mr. D. W. Milne (new), Mr. M. J. Mitchell (new), Mr. B. L. Remus, Mr. A. J. Shaul, Mr. W. R. Stevenson, Mr. R. J. Swayze, Mr. P. H. G. Walker, Q.C., Mr. P. White, and Mr. R. L. Woods. Stand-by Instructors are as follows: Mr. D. A. Allport, Mr. W. W. Markle, Mr. M. J. Mowbray, Q.C., Mr. A. A. Strauss, Q.C., and Mr. C. F. Winer;

(c) *Corporation and Commercial Law*:

Mr. J. D. Ground to continue as the head of this section with Mr. J. G. Coleman as assistant head and the following instructors to either continue or be appointed: Mr. A. L. Cader, Mr. D. Cameron, Mr. P. A. Carroll, Mr. R. W. Comish (new), Mr. P. J. Dey (new), Mr. J. M. Farley, Mr. S. Filer, Mr. S. J. Godfrey, Mr. D. H. Gordon, Mr. P. R. Hayden, Mr. L. D. Hebb, Mr. A. Karp, Mr. J. T. Kennish, Mr. R. H. Krempulec, Mr. C. T. Loughrin, Mr. D. C. Matheson, Mr. J. C. McCartney, Mr. P. M. Moore (new), Mr. A. W. Oughtred (new), Mr. J. M. Robinson, Mr. C. R. B. Salter, Mr. S. B. Scott (new), Mr. S. M. Sigel (new), Mr. E. A. Tory (new), Mr. T. N. Unwin (new), Mr. L. Waisberg (new), Mr. D. B. Waugh (new), and Mr. G. A. Wilson (new). Stand-by Instructors are as follows: Mr. D. R. Brown (new), Mr. H. G. Emerson (new), Mr. H. R. Nathan (new), Mr. R. W. J. Posluns (new), Mr. J. F. T. Warren (new), and Mr. L. A. Wright (new).

Approved

BAR ADMISSION COURSE—TEACHING PERIOD

Mrs. Anna Bacon Stevenson was called to the Bar in Ontario and admitted as a solicitor in June, 1954. Since that time she has not been engaged in active practice of law although she was employed for a number of years by the Ontario Law

Reform Commission as a Research Associate. Mrs. Stevenson would now like to practise law and, to improve her competence, asks to be allowed to enter the teaching portion of the Bar Admission Course. She has remained a member in good standing of the Law Society to the present.

Approved

SPECIAL PETITIONS

Your Committee had before it petitions from ten applicants. Eight were approved and one refused. One applicant whose earlier petition had been refused asked permission to submit a further petition. Permission was granted.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

1. Your Committee met on Wednesday, the 28th of June, 1972, at 2:30 o'clock in the afternoon to consider an application for readmission from a former member of the Law Society of Upper Canada. The following members were present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Cooper and Slemin.

APPLICATION FOR READMISSION

John Raymond Grummett

The applicant was called to the Bar and admitted as a solicitor on the 24th June 1954. He was disbarred on the 21st of September, 1962. He seeks to be readmitted to the Law Society of Upper Canada.

A Notice of Complaint was issued against Mr. Grummett and the Discipline Committee's investigations disclosed a shortage in the solicitor's trust account.

There have been no payments made out of the Compensation Fund.

Your Committee recommends the applicant be readmitted upon successful completion of the teaching portion of the Bar Admission Course and upon giving his undertaking that he will restrict his practice to employment with a Department of Federal, Provincial or Municipal Government, or with any corporation or trade union but will not engage in private practice alone or in partnership without the written consent of Convocation.

THE REPORT WAS ADOPTED

II. Your Committee met on Thursday the 7th of September, 1972, at 2:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Borins, Cartwright, Grange, Lochead, MacKinnon, Seagram and Thom.

ADMISSIONS OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 629 candidates having complied with the relevant Regulation, paid the required admission fee of $101 and filed the necessary papers have applied for admission to the Law Society as Students-at-Law in the Bar Admission Course, as of September 1st, 1972, under *Bar Admission Regulations* — Part II — No. 2.

In addition, the following candidates have applied:

Under Regulation 4 — From Another Province

Regulation 4(3)

630. CHAIT, Jonathan Stephen: Quebec Barrister.
631. LEIGH, George Allan: Quebec Barrister:
632. SECTER, Joseph Abraham: Quebec Barrister.

Under Regulation 5 — From United Kingdom

Regulation 5(1)

633. GIBSON, George Willoughby: England.
634. McCULLY, Rosemary Jean: Scotland.

Under Bar Admission Regulations — Part II — No. 2 (1971)

676. LALKA, Walter Nicholas: B.A. York 1968; LL.B. Windsor 1971.
677. LAIRD, Bruce Keith: B.A. Western 1963; LL.B. Western 1966.

DIRECT TRANSFERS

The Committee considered and approved applications to transfer to practise in Ontario by applicants from Manitoba, Quebec and the United States.

COLLEGES OF GENERAL AND PROFESSIONAL EDUCATION PROGRAMME

The Committee is asked to consider the position of a graduate of the CEGEP programme in the Province of Quebec, who applies to enter the Bar Admission Course in Ontario, after obtaining the LL.B. Degree. This matter is being considered in principle by the Legal Education Committee.

Noted

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of approved law faculties ask to be Called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved Law Faculties in Ontario approved by Convocation the 19th February, 1960, upon payment of a fee of $200:

Brian James Arnold: B.A. (University of Western Ontario 1966); Juris Doctoris (Harvard University, June 1969).

Leslie Valentine Balogh: B.A. (University of Saskatchewan, November 1966); LL.B. (Saskatchewan, May 1969).

Philip Stewart Elder: B.A. (Hons.) (Queen's University, May 1962); LL.B. (University of British Columbia, May 1965); LL.M. (University of London, October 1967).

John George Walter Manzig: LL.B. (Dalhousie University, May 1970). Called to the Bar of the Province of Nova Scotia and admitted as a solicitor July 1971.

Edward Joseph Ratushny: B.A. (University of Saskatchewan, May 1964); LL.B. (Saskatchewan May 1965). Called to the Bar of the Province of Saskatchewan and admitted as a solicitor July 1966.

Sydney Joseph Usprich: LL.B. (University of Toronto, June 1968).

David Norman Weisstub: B.A. (University of Columbia, June 1963); LL.B. (University of Yale, June 1970).

Stand

REPORT OF THE EXAMINING BOARD

The report of the examinations held in September 1972 is before the Committee. Two candidates sat the examination. The following candidate passed:

William Patrick O'Neill

Approved

It was moved and seconded that one application for direct transfer from another jurisdiction be invited to attend before the Admissions Committee to show cause why his application should not be refused. This was lost.

THE REPORT WAS ADOPTED

Call to the Bar

Michael Ryerson Gardiner was presented to the Treasurer and Convocation, Called to the Bar, and the degree of Barrister-at-law was conferred upon him by the Treasurer.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 7th day of September, 1972, the following members being present: Mr. Gray (Chairman), Mr. Beament (Vice-Chairman), and Messrs. Fennell, Henderson, Howland, Levinter, MacKinnon and Steele.

Sub-Committee on Salaries

The Sub-Committee on Salaries met on Thursday, the 15th June, 1972, at 3:00 p.m., the following members being present: Mr. Gray, Chairman, Mr. Robins (Treasurer), and Messrs. Beament, Howland and Levinter.

Mr. MacDonald, Director, Bar Admission Course, and Mr. Bennett, Comptroller, were also present by request.

The Sub-Committee submitted a report recommending a schedule of salaries for employees of the Society to take effect 1st July, 1972.

Approved

Rolls and Records

The Secretary reports:

Appointment to the Bench

The following member has been honoured by his appointment to judicial office, and his membership in the Society is in abeyance:

Joseph Armon Winter, Q.C., London: Called — 29th June 1949. Appointed County Court Judge, Elgin — 13th July 1972.

Noted

Deaths

The following members have died:

Thomas Lindsay Robinette, Q.C., Toronto	Called—18 May 1922; Deceased—24 May 1972.
Donald Alexander Carnie, Q.C., Burlington	Called—28 June 1956; Deceased—1 June 1972.
Frank Whitney Richardson, Q.C., Brampton	Called—19 January 1922; Deceased—6 July 1972.

William Andrew Gresham Kelley, Q.C., Toronto	Called—21 January 1937; Deceased—10 July 1972.
Frederick Wishart Kelly, Calgary, Alberta	Called—29 June 1950; Deceased—11 July 1972.
Maurice Edwin Manderson, Q.C., Georgetown	Called—19 November 1936; Deceased—15 July 1972.
Gerald Joseph O'Connor Toronto	Called—16 September 1937; Deceased—25 July 1972.
Charles Walker, Q.C., Toronto	Called—21 November 1935; Deceased—9 August 1972.
Alexander Pentland Tisdall, Q.C., St. Thomas	Called—18 June 1942; Deceased—15 August 1972.
Henry Everyll Bowes Coyne, Q.C. (Hon. Life Member) Ottawa	Called—25 May 1912; Deceased—18 August 1972.

Noted

MEMBERSHIP UNDER RULE 50

The following members have applied to continue their membership in the Society under Rule 50:

Mr. William Ralph Howard, Toronto
Mr. William Albert MacRae, Cumberland

Approved

CHANGE OF NAME

Frank Marc D'Andrea appears on the rolls of the Law Society as *Francesco* D'Andrea. He asks that his name be changed on the rolls to "*Frank Marc* D'Andrea."

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become life Members of the Society during 1972:

	Name	*Address*	*Date of Call*
1.	Bowles, Wilfrid George	Nestleton	14 Sept. 1922
2.	Boyd, John Alexander	Toronto	18 May 1922
3.	Bruce Arthur Howard Clair, Q.C.	Toronto	15 June 1922
4.	Chambers, James Black, Q.C.	Hamilton	15 June 1922
5.	Cook, Francis Gordon, Q.C.	Toronto	15 June 1922
6.	Desmarais, Jean Noel, Q.C.	Sudbury	14 Sept. 1922
7.	Downey, Clarence Cedric, Q.C.	Toronto	15 June 1922
8.	Fair, William Joseph Arthur, Q.C.	Peterborough	19 October 1922
9.	Hayden, Hon. Salter Adrian, Q.C.	Toronto	14 Sept. 1922

	Name	*Address*	*Date of Call*
10.	Hickey, Jack Mace, Q.C.	Kingston	15 June 1922
11.	Hollinrake, Osborn Shore, Q.C.	Stouffville	15 June 1922
12.	Howe, Osmond Francis, Q.C.	Ottawa	19 October 1922
13.	Kemp, James Lewis, Q.C.	Ottawa	15 June 1922
14.	Lamey, Marian James, Q.C.	Toronto	14 Sept. 1922
15.	Mathews, Norman Lee, Q.C.	Toronto	14 Sept. 1922
16.	Meech, Richard George, Q.C.	Toronto	18 May 1922
17.	Middleton, John Gowans, Q.C.	Toronto	15 June 1922
18.	Murray, William Arlington	Toronto	15 June 1922
19.	McComber, Jarvis Laurier, Q.C.	Thunder Bay	15 June 1922
20.	McWilliams, Lorna Margaret, Q.C.	Toronto	18 May 1922
21.	Newman, Joseph, Q.C.	Toronto	19 January 1922
22.	O'Brien, John Bruce, Q.C.	Toronto	18 June 1922
23.	Riddell, Ross Smith, Q.C.	Windsor	23 Nov. 1922
24.	Rogers, Arthur Wyckoff, Q.C.	Caledon East	20 April 1922
25.	Ross, John Douglas Fraser, Q.C.	Toronto	18 May 1922
26.	Snider, Leigh Hammill, Q.C.	Lehigh Acres Florida, U.S.A.	18 May 1922
27.	Thompson, Hedley Ken, Q.C.	Toronto	14 Sept. 1922
28.	Thompson, Thomas Clive, Q.C.	Brighton	17 March 1922
29.	Willson, Harold Herson, Q.C.	Leamington	14 Sept. 1922

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grant

The Law Association listed below has sent in its Annual Return for 1971. The amounts set opposite its name are the amounts of the grants to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

	1972	1971
Norfolk	$975.00	$1,710.00

Approved, subject to the approval of the Libraries and Reporting Committee.

SKETCHES OF OSGOODE HALL

In February Convocation approved reproductions being made of four sketches by Mrs. Mary Schneider. Quotations have been obtained from Rous & Mann Press Limited for 2,500 portfolios containing the four prints, size 19" x 23", a special sheet of descriptive material, and envelopes with labels.

It is proposed to advise the profession of them through a direct mail advertisement and to sell them at a price of $25 each portfolio.

Approved

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

General

Your Committee met on the 7th day of September, 1972 at 10:30 a.m. in the forenoon, the following members being present: Mr. S. Thom (Chairman,) Mr. G. E. Beament (Vice-Chairman), Mr. G. Lochead (Vice-Chairman) and Messrs. Bowlby, Cartwright, Cass, Chappell, Cooper, Evans, Grange, Gray, Griffiths, Henderson, Krever, Levinter, MacKinnon, Morden, Pallett, Seagram, Strauss, Trepanier, Wallace and White.

In its June, 1972 Report to Convocation, your Committee advised that the Chairman had been authorized to appoint a sub-committee to consider and report on what steps could be taken to protect the public from loss resulting from the theft or dishonesty of solicitors' employees and, in this connection, to consider the feasibility of loans from the Compensation Fund to solicitors who have suffered heavy losses from such activities on the part of their employees.

A sub-committee was duly appointed, under the Chairmanship of Mr. Sam Grange, and composed of Messrs. Carley and Seagram. Its report has now come before your Committee. The sub-committee was of the opinion that there should be discretion in Convocation, or a committee thereof, to make grants in certain instances and loans in others, from the Compensation Fund in those rare cases where it is necessary. After a lengthy and detailed discussion, the report was referred back to the sub-committee for further consideration, especially with respect to what other avenues might be open to protect clients in such situations.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARY—Mr. Beament

COMPENSATION FUND

For the period 1st September, 1971 to 31st August, 1972

	Month of Aug. 1972	*12 months ending 31st August, 1972*		
Balance on Hand, 31st Aug. 1971				$1,324,373.74
Receipts				
Fees—6,505 at $30 ea.	$ 60.00		$195,150.00	
Investment Income				
Gov. of Canada	—	$33,500.00		
Guar. Deposit Rec. Int.	9,026.25	40,974.83		
Bank Interest	—	482.31	74,957.14	270,107.14
Recoveries				
A. F. Blotti	—		$ 4,363.56	
M. Godo	—		1,100.00	
S. Resnick	—		47,748.29	
Shuttleworth	—		400.00	
Parisien	—		4,522.04	
Bannon	—		1,876.08	
Passi	—		224.04	
J. Valanoff	—		20.58	60,254.59
	$9,086.25			$1,654,735.47
Disbursements				
GRANTS				
Blotti (30)	—	$54,300.73		
Bowman (13)	—	47,990.25		
Parisien (1)	—	14,647.12		
Passi (1)	—	385.00		
Coleman (4)	—	6,686.94		
McGrath (1)	—	2,396.44		
Wineberg (1)	—	1,500.00		
Card (1)	—	3,000.00		
Kennedy (5)	—	28,300.41		
Mackay (1)	—	414.80	$159,621.69	
Counsel Fees, Reporters, etc.	$ 75.00		19,922.52	
Annual Fee Refund	—		420.00	179,964.21
	$9,011.25	Balance 31/8/72		$1,474,771.26

Resume of Gross Claims Outstanding

Claims received and not processed as of 31st July, 1972	$2,051,886.77
Received during month of August	34,243.75
	$2,086,130.52
Dismissed, withdrawn or written off during mo. of August	—
Settled by payments in whole or in part	—
*_Claims received and not processed as of 31st August, 1972_	$2,086,130.52

*Blotti	$ 323,417.34
Caplan	1,051,276.12
Harris	519,749.90
	$1,894,443.36

Total paid to 31st August, 1972 on account of 824 claims in respect of 84 former solicitors	$2,578,621.88

THE REPORT WAS RECEIVED

Re: DONALD JERRY O'BRIEN

Mr. Thom presented the Report of the Discipline Committee.

An application by Donald Jerry O'Brien for re-admission came before Convocation on the 18th of June, 1971. The application was referred to your Committee for consideration.

The applicant had been disbarred on the 19th of May, 1967. After his disbarment the applicant worked for 2½ to 3 years as a labourer and for the past 2 years he has taught high school in Chatham. The subjects covered were English and introductory course in law. He has tried to keep up with development in the law. Your Committee heard considerable evidence establishing that the applicant had made full restitution of funds and re-established himself in the community.

The Committee therefore recommends that Donald Jerry O'Brien be re-admitted as a member of the Law Society provided that he agrees (1) to take employment with a practising member or law firm for a period of six months immediately following his re-admission and (2) that he file auditors' statements quarterly for a period of 5 years, commencing six months after his re-admission.

A reporter having been sworn, the applicant attended with his counsel who made representations to Convocation.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Monday, the 11th day of September, 1972 the following members being present: Patrick S. FitzGerald, in the Chair, and Messrs. Barnes, Cory, Killeen, Lochead, William Maloney, Morden and Trepanier.

By special invitation the following attended the meeting: K. P. Jarvis, Q.C., Secretary, the Law Society of Upper Canada; W. R. Donkin, Q.C., Area Director, York County; J. B. Allen, Q.C., Deputy Area Director, York County.

Mr. Seton Pollock, Secretary, Contentious Business, Law Society of England attended the meeting as a special guest of the Law Society of Upper Canada for general discussion of the English Legal Aid Plan.

SPECIAL AGENDA

A special agenda was prepared which highlighted issues of shared interest between the English and Ontario Legal Aid Plans. In addition to covering the detailed matters set out in the special agenda, Mr. Pollock addressed the members generally on the history, philosophy and development of legal aid in England. A transcript of Mr. Pollock's remarks was taken and the Committee requested the Director to distribute such transcript to all the Law Society Benchers.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of July, 1972.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 4 months ended July 31, 1972.

(b) *Estimate of Costs for the Fiscal Year ending March 31, 1974*

The Controller submitted an estimate of costs for the fiscal year ending March 31, 1974.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Assistant Provincial Director, Mr. D. J. Thomas, submitted on behalf of the Legal Accounts Officer a report on the activity of the Legal Accounts Department for 3 months ended August, 1972.

(b) Mr. D. J. Thomas submitted a report for the month of August, 1972 with respect to reviews and appeals.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

The Chairman recommended that the following committee members be added to the Sub-Committee on Tariffs:

A. W. Maloney, Q.C.
W. D. Griffiths, Q.C.

A notice to the profession was forwarded on August 23 last to Canada Law Book asking the profession to provide any suggestions or proposed amendments to the criminal and civil tariffs.

On August 24 letters to this effect were forwarded by W. Gibson Gray, Q.C., Chairman of the Sub-Committee on Tariffs, to the County Law Association, Area Directors, Criminal Lawyers Association, Ontario Branch, C.B.A. and the Advocates Society.

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, 1966, the following name is submitted as an appointment to the Peel County area committee:

Peel County
F. John Greenwood

RESIGNATIONS

Essex County

C. Owen Spettigue, Solicitor, Leamington; Stanley Monaghan, Catholic Family Service Bureau; John Holland, Q.C.; Paul Burnett, Q.C.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE — Mr. Maloney

Your Committee met on the 7th day of September, 1972 at 9:00 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Bowlby, Cartwright, Cory, Fennell, Grange, Griffiths, Krever, Lochead, MacKinnon, Morden, Pallett, Seagram, Strauss, Thom and Wallace.

1. Your Committee considered a letter from a lawyer in Northern Ontario wherein he advised he had acted for a client in regard to two separate real estate transactions. On the surface these transactions did not in any way appear improper or illegal. The lawyer was however approached by a Law Enforce-

ment Agency, which requested particulars of the transaction. He was permitted to read a confidential letter from the F.B.I. which gave an outline of the activities of his client. The letter stated that the client was reputed to be in charge of organized crime in one of the cities of the United States and that one of his principal associates was alleged to be the head of organized crime in the entire United States. The lawyer, although distressed with this information, informed the representative of the Law Enforcement Agency that he could not reveal any information pertaining to these transactions unless of course your Committee advised to the contrary. The Secretary had previously advised the lawyer that his client is entitled to his professional services whether or not it is alleged that he is involved in organized crime and that the confidentiality within the solicitor/client relationship must be maintained. Your Committee concur in the opinion expressed by the Secretary.

2. Your Committee considered a letter from the Department of Financial and Commercial Affairs concerning the incorporation of a company to be known as "Neighbourhood Legal Services". The applicants are shown to be a journalist and three students-at-law. The objects section of the application reads as follows:

> Subject to all the regulations of the Law Society of Upper Canada
>
> (a) To promote, obtain and place at the disposition of the public legal services;
>
> (b) To establish, encourage and maintain community legal clinics; and
>
> (c) To encourage and promote through manpower resources all legislation and other such measures that will have the effect of aiding the economically weak to better understand and defend their legal rights.

The Secretary was instructed to write to the Department and make reference to certain cases which indicate that a corporation cannot offer legal services as such. In addition, it is to be suggested to the Department that the word 'legal' would imply that a lawyer was in fact involved in the undertaking.

3. Two enquiries concerning para-legal personnel were considered. In the first instance a Provincial Law Association asked your Committee three questions:

1. Should a non-lawyer clerk be permitted to "point out standard obligations or rights under an ordinary offer to purchase"?

2. Should a non-lawyer clerk be permitted to advise the client "in any routine and uncomplicated matter"?
3. If in the opinion of the clerk the matter is not routine, is it proper for the clerk to advise the client after having consulted with the solicitor?

The Secretary was instructed to advise that the answer should be "no" to all three questions if the giving of any legal advice would be involved.

The second enquiry came from a lawyer who asked how a member of the profession should react to a layman when the latter is employed by a solicitor with whom the lawyer is involved in a real estate transaction, the layman appearing to be in charge of the transaction in question. The Secretary was instructed to advise the lawyer that when he finds himself in a transaction where he is dealing with a layman on the other side, he should not refuse to deal with the layman because to do so could have a detrimental effect on his own client's interests. If the lawyer should find the layman, in his opinion, to be incompetent, it would be in order for the lawyer to so advise the solicitor employing the layman.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 7th day of September, 1972, the following members being present: Messrs. Steele (Chairman), Borins, Grange, Seagram, Wallace and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to 31st August, 1972, were approved.

GIFTS AND DONATIONS

The Honourable G. E. Moorhouse has donated a volume of local history concerning the County of Hastings: Gerald E. Boyce, *Historic Hastings*, Belleville, Ontario Intelligencer, 1967.

The Confederation Life Association, Toronto, has donated a total of 349 volumes of *Federal and Provincial Statutes*, a number of which require re-binding.

The Estate of Mr. Alexander Bissett, Q.C., Toronto, has donated a total of 223 volumes of *Ontario and Dominion Statutes and Reports.*

Noted

SUMMARIES OF REASONS FOR JUDGEMENT

The Great Library has catalogued and indexed the Summaries of Reasons for Judgment which are published in the weekly issues of the Ontario Reports. A number of private law libraries have requested copies of this catalogue and your Committee has authorized the Chief Librarian to make it available at an appropriate price to those who wish it. The Chief Librarian is to report back to your Committee at its October meeting.

BOOK LISTS

A list of books which has been recently purchased for the Great Library is presented for approval.

The Chief Librarian is presenting a Special List of books for which she requests approval.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANT

The following Law Association has sent in its annual returns. The amount which it should receive under the Rules for the year 1972 and the amount received in 1971 is as follows:

	1972	*1971*
Norfolk	$975.00	$1,710.00

Approved

REPORTING

DECISIONS OF ADMINISTRATIVE TRIBUNALS

The following item appeared in Communiqué No. 6 to the profession which was published following the June 1972 Convocation:

> "Decisions of administrative tribunals such as the Ontario Municipal Board could be published and made available to the profession if there is sufficient demand for them. If there are decisions of tribunals you would like to see reported, please write to the Secretary giving the name of the tribunal. The Libraries and Reporting Committee will decide on the basis of the profession's response what action to take."

Approximately sixty replies to this notice were received. Over fifty said that they would like to see the decisions of the Ontario Municipal Board published. Requests for the publication of decisions of other administrative tribunals were negligible.

Your Committee has appointed a Sub-Committee consisting of Messrs. Grange and Seagram to investigate and report back to your Committee as to the feasibility of the Society publishing Ontario Municipal Board decisions.

DELAY IN THE PUBLICATION OF REASONS FOR JUDGMENT

Your Committee had before it a letter dated the 20th of July, 1972 to the Society from Canada Law Book Limited (the publishers of the Ontario Reports) reporting on aspects of delay in publishing Reasons for Judgement. Your Committee met with officials of Canada Law Book at its June meeting and asked that this report be provided to it.

Your Committee is satisfied with Canada Law Book's present programme for catching up on the backlog of material and recommends that they be asked to continue with this programme.

Your Committee also recommends that with reference to the first full paragraph on page 3 of their letter, in the event the need arises, Canada Law Book be authorized to combine the years for the last volume of the Ontario Reports published in any year so that instead of, for instance, the third volume for this year being dated 1972, it would be dated 1972-3.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 7th day of September, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Fennell, Henderson, Steele, Trepanier, White and Zahoruk.

Several months ago, your Committee instituted proceedings against an individual for his unauthorized practice. In the meantime, this person was convicted of fraud under the Criminal Code and was sentenced to six months in jail to be followed by two years' probation. The evidence in support of the fraud conviction was essentially the same as the Society's evidence of his unauthorized practice. In view of the conviction, your Committee has decided to proceed no further with its charge of unauthorized practice.

DIVORCE SERVICES

Proceedings have now been instituted against two individuals and a Limited Company. It is expected that a trial date will be fixed on September 20th, 1972.

Your Committee had before it information about another company offering divorce services and subject to further particulars being obtained authorized an investigation to be made.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 7th day of September, 1972 at 11:15 a.m., the following members being present: Mr. Henderson, Chairman and Messrs. Krever, Lochead, Morden and White.

DELAYS IN CLOSING REAL ESTATE TRANSACTIONS — CORPORATIONS TAX BRANCH

Complaints were received that the Corporations Tax Branch was slow in issuing clearances and that this was delaying the closing of real estate transactions. D. H. Lamont was asked to investigate the matter and make recommendations. His letter is before the Committee.

Stand

PAMPHLETS

Periodically legal and other organizations ask for pamphlets describing various aspects of legal services. Recently Mr. George Taylor of Messrs. Boys, Seagram and Rowe of Barrie sent sample copies of five pamphlets which are issued by the Law Society of Manitoba. He suggested that his local County Association produce similar pamphlets for distribution.

The Committee is asked to consider whether the Law Society should produce pamphlets to be made available to all County and District Law Associations and other organizations.

Your Committee recommends that the matter be referred to the Sub-Committee that was appointed at the meeting on August 18th, 1972.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON ELECTION AND REMUNERATION OF TREASURER—Mr. Howland

The Special Committee on ELECTION AND REMUNERATION OF TREASURER begs leave to report:

Your Special Committee was appointed by Convocation on the 19th of November, 1971 to inquire into and report back to Convocation with recommendations as to the method and procedure of election of Treasurers and whether or not Treasurers should be remunerated and if so the amount of the annual honorarium.

Your Committee has met on two occasions and has had before it information respecting what is done in the Law Societies of other Provinces and in the Governing Bodies of the Engineers, the Doctors and the Chartered Accountants. At its meeting on the 2nd of June, 1972 Mr. Howland, the Chairman, and Messrs. Bowlby and Goodman were present. At its meeting on the 27th of June Mr. Howland, Messrs. Bowlby, Goodman, Martin and Morden were present.

ELECTION OF TREASURER

With respect to the election of Treasurer your Committee recommends that:

(1) Except in the year of a Benchers' Election written nominations signed by the mover and seconder be delivered to the Secretary before the regular Convocation in April;

(2) At the regular April Convocation the nominations received to date would be read out by the Treasurer and immediately after the Convocation all Benchers would be notified by mail of the nominations;

(3) During the ensuing two weeks those nominated would have an opportunity to withdraw if they wished to do so. Notice of any withdrawals would be circulated forthwith by mail to all Benchers;

(4) The election of Treasurer would take place at the regular Convocation in May when the formal motions would be made by those who had filed written nominations;

(5) In the event of no written nominations having been filed or if all who had been so nominated had withdrawn then motions for the nomination of Treasurer which had not previously been filed in writing would be received at the regular Convocation in May;

(6) In the year of a Benchers' Election the time for filing written nominations would be moved forward to the regular

Convocation in May and the election of Treasurer to the regular Convocation in June. This might necessitate a Special Convocation later in June for the appointment of Standing Committees.

If these recommendations are adopted amendments will be required to the Society's Rules.

REMUNERATION OF TREASURER

Your Committee recommends that the Treasurer should be fully reimbursed all out of pocket expenses incidental to the discharge of his duties of office including the cost of his secretary's time spent on the Society's business.

Your Committee recommends that the Treasurer not be paid remuneration beyond such expenses.

Your Committee further recommends that only if Convocation decides that the Treasurer is to receive a substantial indemnity should the profession as a whole be polled on the subject.

Moved by Mr. Cooper, seconded by Mr. Cass, that consideration of this report be deferred until October Convocation.

Carried

YORK UNIVERSITY

Moved by Mr. Gray, seconded by Mr. Pattillo, that Mr. MacKinnon be appointed to represent the Society on the Senate of York University for the three year term of office commencing 1st July, 1972.

Carried

Convocation adjourned for lunch at 12:50 p.m.

A quorum being present, Convocation resumed at 2:30 p.m.

SPECIAL COMMITTEE ON THE INCORPORATION OF LAW PRACTICES—Mr. Fennell

Your Committee met on Thursday, the 7th of September 1972, the following members being present: Mr. Fennell, Chairman, Messrs. Grange, Henderson, Seagram, Thom and Zahoruk.

In September 1969, Convocation adopted a Committee's recommendation that when The Business Corporations Act, 1968, or a similar statute is enacted, legislation be sought to permit the practice of law by a professional corporation (the shareholders of which would be restricted to members of the Society) under conditions that ensure the high standards of the profession. Your Committee was then dissolved.

In November 1969, Convocation re-appointed your Committee and in 1972 enlarged it "to consider the effect of the proposals contained in the White Paper on Taxation".

Your Committee has now reconsidered this matter in light of the White Paper and the new Income Tax Act and wishes to report that it sees nothing in this material that would affect its earlier recommendation.

Section 3(3) of The Business Corporations Act, R.S.O. 1970, c. 53, provides as follows:

> "Where the practice of a profession is governed by an Act, a corporation may be incorporated to practise the profession only if such Act expressly permits the practice of such profession by a corporation and subject to the provisions of such Act."

Your Committee makes no comment as to when and in what manner legislation be sought.

Your Committee recommends that it be dissolved.

Moved by Mr. Evans, seconded by Mr. Finlayson that the final recommendation made in the Report be deleted (namely, the recommendation that the Special Committee be dissolved).

Carried

THE REPORT AS AMENDED WAS ADOPTED

SPECIAL COMMITTEE ON INTEREST ON TRUST ACCOUNTS—Mr. MacKinnon

Your Committee met on Tuesday, the 30th of May, 1972 at 10 a.m., the following members being present: Mr. MacKinnon in the Chair, Messrs. Goodman and R. F. Wilson.

The Chairman reviewed briefly the history of the question of interest on trust accounts. At the present time a recommendation from the Society is before the Attorney General recommending that legislation be passed to provide for the gathering of some or all of the interest earned by mixed trust accounts to be used for legal education, legal research, law reform and law libraries including information retrieval. The matter has been discussed briefly with the present Attorney General who appears to favour at least some portion of the interest being made available for Legal Aid.

Your Committee considered this question and recommends that the Attorney General be advised the Society considers that one-third of the interest should be made available for Legal Aid and the balance should be used for the other purposes already mentioned.

Your Committee also considered whether it should be compulsory on members of the Society to participate in the scheme and recommends that participation be compulsory upon such terms as the Society may negotiate with the banks and trust companies on behalf of the profession and subject to special arrangements with clients covering fixed term or special deposit arrangements as may be determined from time to time or as the client may otherwise direct in writing.

THE REPORT WAS ADOPTED

REPORT OF THE FEDERATION OF LAW SOCIETIES OF CANADA—Mr. Howland

The conference of Governing Bodies of the Legal Profession in Canada makes its final report after 45 years of existence. It replaced itself on the 28th day of August, 1972 with a corporation incorporated under Part 2 of the Canada Corporations Act under the name of The Federation of Law Societies of Canada — Fédération des Barreaux du Canada. The Federation will provide the 11 Law Societies of Canada among which the law has divided the control of the legal profession in Canada, with a national structure on which to base national action and to assume a national presence. This incorporation of the national structure does not detract from the importance of the Canadian Bar Association, but by adding an additional capacity to the Law Societies will benefit both in particular and the legal profession of Canada in general.

The following is a review of the activities of the Conference, the Federation and the Law Societies during the last year.

1. Legal Education

Over 1,150 lawyers were added to the membership rolls of the Law Societies of Canada, during the last year. Three trends are noted respecting legal education during the last year, namely: the number of applicants for admission to law school is increasing, the education standards of the law school graduates are increasing and there is a growing demand by the Law Societies that the law school prepare its graduates who intend to enter into private practice, more adequately for the practice of the profession.

2. CONTINUING LEGAL EDUCATION

There has been a dramatic increase in courses of continuing legal education. It is noted that these courses tend to become a refinement of bar admission courses with the object of up-dating the knowledge and expertise of existing members of the legal profession so that they are better prepared to meet the challenge of wide-spread and significant changes in statute law. There is a marked increase in the use of teaching aids and an active interest in the different educational techniques used by the different law schools. The Federation has established a special committee to consider continuing legal education and to devise means to provide a nationally organized system of exchanging audio-video recordings and other educational items with the intent of improving the quality and reducing the costs of the continuing educational programs.

3. SPECIALIZATION

The establishment of specialized qualifications, the identification of qualified specialists and the devising of appropriate rules respecting the practice of specialists has long been over due. The public is demanding information respecting what specialists may be consulted by them and who they are. The need has become aggravated by the establishment of "Lawyer Referral Programs" by three provinces. The Federation has therefore established a special committee to consider and make recommendations respecting the establishment of specialists in the practice of law in Canada.

4. LAWYER REFERRALS

In respect to public needs, a Lawyer Referral System has been established in British Columbia, Ontario and Quebec, and is being considered by the Law Society of Alberta. The results of their experience have been uniformally satisfactory and it represents a public service that the Societies may provide.

5. DISCIPLINE

The Discipline Committee in Canada considered over 1,500 cases during the last year.

6. ERRORS AND OMISSIONS INSURANCE

Compulsory errors and omissions insurance programs are in effect in Nova Scotia, Ontario, Alberta and British Columbia.

Voluntary programs are in effect in Newfoundland, Quebec and Saskatchewan. Claims are increasing and the need to establish loss prevention programs will become inevitable.

7. INTEREST ON TRUST ACCOUNTS

This problem is still under consideration in Newfoundland, by the Board of Notaries of the Province of Quebec and in Alberta. Law foundations that are financed by interest on lawyers trust accounts have been established in Prince Edward Island and British Columbia and authorized in Saskatchewan.

In Manitoba legislation was enacted requiring interest on lawyers trust accounts to be paid to the provincial government to be used for legal aid and legal education. It is not in active effect at this date.

8. COMPENSATION FUNDS

Newfoundland and Prince Edward Island have no assurance funds yet. The total amount of the funds on hand in the assurance funds of the other Law Societies as of June 1st, 1972 amounted to more than $3,625,423.15. The total amounts disbursed on claims in 1971 were in excess of $212,192.57.

9. LEGAL AID

Limited Legal Aid programs are in effect in Newfoundland and Nova Scotia.

Other legal aid programs are in effect in New Brunswick, Quebec, Ontario, Saskatchewan, Alberta and British Columbia and a full Legal Aid program will come into effect in Manitoba on September 1st, 1972. Experience indicates that the heaviest demands so far as non-criminal cases are concerned are respecting divorces. Use of duty counsel to handle non-contested divorces apart from any other complications respecting custody of children, property settlements, maintenance, etc., are being considered with a view to reducing run-a-way costs. Ontario is releasing a study in depth of legal aid needs in that province, that deals with general advice to the poor in store-front offices and a comparison of the relative costs of public defender systems vis-à-vis lawyers-of-your-choice programs.

The Conference made representations to the Minister of Justice which have been substantially reflected in the program announced by the Federal Government respecting financial contributions to criminal legal aid programs.

The Federation has a committee under the chairmanship of Mr. G. Arthur Martin, studying and recommending improvements to legal aid programs.

10. PUBLIC RELATIONS

The Conference has participated in the joint public relations program instituted by the Canadian Bar Association.

Quebec and New Brunswick conducted their own public relations programs during the last year. Quebec employed a full-time director and secretary. It prints and distributes 80,000 brochures every month, organized two conferences on current cases, published a brief, delegates ten lawyers to appear on television programs on actual problems. It provides daily papers with four articles of juridical information, provides six hours per week of legal information broadcast on television or radio, and publishes an official newspaper "Barreau 72".

Ontario is now publishing a communiqué to its members distributed within a few days after each convocation.

Saskatchewan publishes its own newsletter.

Alberta is preparing the publication and distribution of brochures.

Manitoba has conducted a law forum and has printed and distributed six brochures on legal topics.

British Columbia has produced six one-hour television programs under the title "Law Today".

11. PROCEDURE

Nova Scotia has adopted a model code of civil procedure. The Attorney-General of Alberta has appointed a Rules of Court Advisory Committee to recommend amendments, repeal of or additions to the rules.

British Columbia is studying the adoption of up-dated rules of civil procedures.

12. FEDERAL COMPETITION ACT

The Federation has a committee under the chairmanship of Gordon F. Henderson, Q.C., considering the effect of the proposed Federal Competition Act on the legal profession in Canada. The Executive at its meeting on August 20th, 1972 decided that its Executive Committee would assume responsibility for keeping the "Law Societies" informed of the latest developments and make any representations required respecting the new bill.

13. EXECUTIVE AND OFFICERS

At its general meeting on August 30th, 1972, the Federation elected as its four directors:

Marcel Cinq-Mars, Q.C.
William G. C. Howland, Q.C.
A. William Cox, Q.C. and
Charles C. Locke, Q.C.

Mr. Cinq-Mars was elected President, and Mr. Howland was elected Vice-President. Mr. Harold St. G. Stubbs was appointed secretary-treasurer.

THE REPORT WAS RECEIVED

CONVOCATION ROSE AT 3:50 P.M.

Read in Convocation and confirmed this 17th day of November, 1972.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 20th October, 1972

10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cass, Common, Cooper, Cory, Dubin, Estey, Evans, Fennell, Finlayson, FitzGerald, Goodman, Grange, Gray, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Levinter, MacKinnon, Maloney, Morden, O'Brien, Pallett, Pattillo, Seagram, Sheard, Strauss, Steele, Thom, Trepanier, Wallace, White, R. F. Wilson and Zahoruk.

The Minutes of Special Convocation of 18th August, 1972, were read and confirmed.

SPECIAL COMMITTEE ON LEGAL EDUCATION
Mr. MacKinnon

Mr. MacKinnon presented the Report of the Special Committee on Legal Education.

THE REPORT WAS RECEIVED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday the 12th of October, 1972, at 2:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Grange, Lochead, MacKinnon, Pattillo, Seagram and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Transfer from Another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416.00 now applies for call to the Bar and to be granted a Certificate of Fitness:

William Patrick O'Neill, Alberta.

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Under Bar Admission — Part II — No. 2

A further 41 candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972.

The following candidate also applied:

Under Regulation 4 — From Another Province

676. FRADKIN, Arnold Sholem, Quebec Barrister.

Approved

DIRECT TRANSFER

Two applications for direct transfer to practise in Ontario were considered. One applicant was a member of the Alberta Bar and the other a member of the New Brunswick Bar. Neither qualified under Regulation 4(1). Both applications were refused.

COMMONWEALTH TRANSFER

Your Committee considered applications from three solicitors from India, all of whom had failed the preliminary examination for the Bar Admission Course. One requested permission to continue under articles subject to passing the next examination and two requested that periods during which they had been employed as articling students be considered sufficient compliance with the articling requirements under the Bar Admission Course if they should pass the next examination. All three applications were refused.

Your Committee considered on application from a solicitor from India who sought permission to proceed under Regulation 7. This application failed to establish that the solicitor had been in active practice for a continuous period of five years immediately preceding his application and the application was refused.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of an approved law faculty asks to be called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved Law Faculties in Ontario upon payment of a fee of $200.

Jacob S. Ziegel: Bachelor of Laws (University of London). Called to the Bar of British Columbia in 1954 — practised until 1959.

Approved

Applications from the members of approved law faculties listed below were considered by your Committee at its September meeting.

At its September 1972 meeting, the Committee recommended that these applications stand for further information. Letters have now been received from the Deans of the relevant law schools confirming eligibility under Regulation 9 of the following:

Brian James Arnold; Leslie Valentine Balogh; Philip Stewart Elder; John George Walter Manzig; Edward Joseph Ratushny; Sydney Joseph Usprich; David Norman Weisstub.

Approved

Special Petition

Your Committee considered a petition relating to attendance in the Bar Admission Course. The petitioner asked permission to delay entering the Course until 1st September, 1973, and permission was granted.

Regulation 9 — Admission of Law Teachers

Your Committee appointed a Sub-Committee under the Chairmanship of Mr. G. D. Finlayson and composed of Messrs. Borins, Krever and Pattillo to consider Regulation 9.

THE REPORT WAS ADOPTED

Call to the Bar

The following candidates were presented to the Treasurer and Convocation, were called to the Bar, and the degree of Barrister-at-Law was conferred upon them by the Treasurer;

William Patrick O'Neill
Jacob Salo Ziegel
Leslie Valentine Balogh
John George Walter Manzig
Edward Joseph Ratushny
Sydney Joseph Usprich
David Norman Weisstub

SPECIAL COMMITTEE ON THE ELECTION AND REMUNERATION OF TREASURER—Mr. Howland

The Report of the Special Committee on the Election and Remuneration of Treasurer was received by Convocation on 15th September, 1972. Consideration of the report was deferred until October Convocation.

It was moved and seconded that effective June 1973 an honorarium be paid on an annual basis to the Bencher elected Treasurer. *Lost*

It was moved and seconded that the first recommendation of the Committee be amended by deleting the period at the end thereof and replacing it by a comma and adding the words "and maintenance of suitable accommodation in Toronto where the Treasurer's residence is outside Metropolitan Toronto."

Carried

THE REPORT AS AMENDED WAS ADOPTED

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 12th October, 1972, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon Chairman, and Messrs. Borins, Carley, Cass, Cory, Finlayson, Grange, Gray, Morden, Pattillo, Thom and White.

Director's Report

The Director submitted the following matters for consideration:

Faculty Appointments:

The following appointments to the Bar Admission Course Faculty for the 14th teaching term are submitted for the approval of the Committee:

(a) *Income Tax*

A. R. A. Scace to continue as Head of the section and the following instructors to either continue or be appointed: Mr. Ronald Appleby, Mr. F. A. Baker, Mr. Earl Miller (new), Mr. A. H. Clairman (new), Mr. G. E. Cooper, Mr. D. S. Ewens, Mr. L. S. D. Fogler, Mr. P. H. Harris, Miss Heather Henderson (new), Mr. C. A. Hudson (new), Mr. T. E. J. McDonnell (new), Mr. J. D. McElwain (new), Mr. M. A. Mogan, Mr. D. C. Nathanson, Mr. T. Pilling (new), Mr. A. M. Schwartz, Mr.

S. W. R. Seyffert (new), Mr. J. D. Sharples, Mr. B. F. Shostack, Mr. S. M. Sigel, Mr. D. W. Smith, Mr. S. C. Smith (new), Mr. J. M. Solrush, Mr. J. M. Spence, Mr. Sol Spiro (new), Mr. T. A. Sweeney, Mr. R. G. Witterick, Mr. T. H. Young (new). Stand-by: Mr. J. A. Armstrong (new).

(b) *Civil Procedure II*

W. D. G. Griffiths to continue as Head of this section and J. W. O'Brien to act as Assistant to the Head of Section and the following instructors to either continue or be appointed: Mr. D. H. Carruthers, Q.C., Mr. B. Chernos, Mr. Bert Raphael, Mr. A. J. Davidson, Q.C., Mr. N. D. Coo, Q.C. (new), Mr. R. C. Rutherford, Q.C., Mr. N. Dyson (new), Mr. D. A. Elliott, Q.C., Mr. M. N. Ellis, Mr. G. W. Glass, Mr. Patrick Gravely, Mr. M. J. Haffey, Q.C., Mr. K. E. Howie, Q.C., Mr. C. A. Keith, Mr. R. B. Lawson (new), Mr. W. D. Lilly, Mr. D. M. MacLennan, Q.C., Mr. J. W. O'Brien, Mr. E. A. Sabol, Mr. W. P. Somers, Mr. A. B. Doran (new), Mr. D. G. Duke (new), Mr. L. H. Mandel (new), Mr. C. S. Martin, (new), Mr. W. T. McGrenere (new), Stand-bys: Mr. P. Jewell (new), Mr. W. R. McMurtry (new), Mr. T. Kerzner (new), Mr. W. G. Dutton (new) and Mr. T. Lockwood.

Approved

Summary of Recent Federal and Ontario Legislation:

This publication written by Mr. Peter deC. Cory is in preparation and should be available for distribution on or about the 1st of November. Complimentary copies of the book published under this title last year were distributed to all members of the Law Society at a direct cost (exclusive of overhead) of about $5,000 which was paid out of general funds. If the same type of distribution is made this year the direct costs will be:

Printing 8,000 copies	$5,890.00
Envelopes	160.00
Stamps and Mailing	640.00
Total	$6,690.00

As an alternative to issuing the booklet to all lawyers at the expense of the Law Society, it is proposed that a limited edition be prepared for sale at cost. As a companion-piece, our department is planning with Mr. Peter deC. Cory the publication of an audio cassette which would contain a supplemental discussion of some of the more significant legislative provisions. The booklet is able to stand on its own and could be used independently of the cassette; or, at the option of the purchaser, the cassette and booklet could be distributed as one instructional package. The direct costs of printing and handling the limited edition of 1,000 copies of the booklet would be:

Printing 1,000 copies	$2,900.00
Envelopes	20.00
Stamps and Mailing	80.00
Total	$3,000.00

A price of $3.75 per copy would allow us to recover these costs and the indirect costs attributable to overhead and administration. It is expected that about 300 cassettes could be sold at a direct production cost of $1,200.00. They would be issued together with copies of the booklet at $10.00, for each combination package.

The Committee is asked for instructions to publish the 1972 Summary of Recent Federal and Ontario Legislation and the cassette on the basis of the alternative proposal, rather than follow last year's practice.

Approved subject to the approval of the Finance Committee.

Continuing Education Seminar and Meeting Room:

Two days a week have been scheduled on a fairly regular basis for seminars in the Continuing Education Series which will take place in Room 233 on the second floor of the Education Wing. This room and the small adjoining study room used in conjunction with it, should be decorated with carpets and drapes. An estimate from the Society's interior decorator has been obtained.

Your Committee recommends the matter be referred to the Building Committee.

SPECIAL PETITIONS

Consideration was given by your Committee to eight petitions. Six were approved and two refused.

LL.L. — LL.B. Programme

Dean Feeney, of the Faculty of Law of the University of Ottawa, asked the Society's permission (a) to accept students under the regulation governing acceptance of an approved law school so long as they are (i) qualified for admission to faculties of law of the Province of Quebec (including the school's Civil Law leading to the LL.L. degree); and (b) approval of their Special Programme (combined LL.L. — LL.B.) generally and in particular for the purpose of admission of all graduates of this programme to the Bar Admission Course including students who have been admitted to the Special Programme of their Faculty under (a) above.

Dean Feeney's request related in particular to graduates of the new Quebec Colleges of general and professional education.

All of the approved Canadian Law Schools were asked for their comments on Dean Feeney's letter and replies from the following Law Faculties were received by the Society:

Dean A. J. McClean, University of British Columbia.
Dean G. H. L. Fridman, University of Alberta.
Dean Roger Carter, University of Saskatchewan.
Dean C. H. C. Edwards, The University of Manitoba.
W. S. Tarnopolsky, the then Dean of the University of Windsor.
Dean R. S. Mackay, The University of Western Ontario.
R. E. Scane, Associate Dean, University of Toronto.
Gerald Le Dain, the then Dean of Osgoode Hall Law School.

Letters have also been received from Dean John W. Durnford, McGill University, and Dean Gerald A. Beaudoin, Civil Law Section, University of Ottawa. Copies of the letters, along with copy of the Special Programme referred to, were circulated to the Committee prior to this meeting.

Your Committee recommends that the matter be referred to a Sub-Committee to consider and report, the Sub-Committee to be composed of Mr. S. Borins as Chairman and Messrs. Carley and Cass.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 12th day of October, 1972, at 3:30 p.m., the following members being present: Messrs. Gray (Chairman), Fennell, Levinter, MacKinnon, Pallett, Pattillo, Steele, Thom, Trepanier and R. F. Wilson.

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointment to judicial office and their membership in the Society is in abeyance:

Richard Estcourt Holland, Q.C., Toronto	Called — 29 June 1950 Appointed Judge, Supreme Court of Ontario, High Court of Justice — 2 September 1972
Stanley James Nottingham, Kenora	Called — 17 March 1967 Appointed Provincial Judge (Criminal Division), Judicial District of Kenora — 1 August 1972
John Francis Michael McCart, Sarnia	Called — 21 June 1951 Appointed Junior Judge, County Court, County of Middlesex — 2 September 1972
Gordon Joseph John Sullivan, Q.C., Hamilton	Called — 21 September 1944 Appointed County Court Judge, County of Wentworth — 2 September 1972
Carl Zelev, Q.C., Windsor	Called — 25 June 1953 Appointed Junior Judge, County Court, County of Essex — 2 September 1972
Cecil John Cannon, Q.C., Toronto	Called — 29 June 1950 Appointed Provincial Judge (Criminal Division), County of York — 1 June 1972
George Henry Davies, Q.C., Kitchener	Called — 24 June 1954 Appointed Provincial Judge, Small Claims Court, County of York — 14 August 1972

Noted

Deaths

The following members have died:

Ross Smith Riddell, Q.C., Windsor (Life Member)	Called — 23 November 1922 Deceased — 11 September 1972
Glen Alexander Sullivan, Q.C., Toronto (Honorary Life Member)	Called — 30 March 1922 Deceased — 12 September 1972
John Richard Huffman, Q.C., Toronto (Life Member)	Called — 19 May 1921 Deceased — 2nd October 1972
Alexander Pearlstone, Toronto	Called — 24 November 1927 Deceased — 8 October 1972

Noted

REINSTATEMENT — *Mrs. Margaret M. (Struthers) Chambers, Toronto*

Mrs. Margaret M. (Struthers) Chambers gave notice under Section 31 that she had retired 23rd June, 1972, as a Provincial Judge (Family Division), County of York, and wished to be restored to the Rolls. Effective 2nd August, 1972, Mrs. Chambers was reinstated as a member with full rights and privileges.

Noted

REINSTATEMENT — *Remington White, Beaverton*

On 19th April, 1968, Mr. Remington White's rights and privileges as a member of the Society were suspended for non-payment of fees. Mr. White has now paid all arrears and his rights and privileges have been restored.

Noted

MEMBERSHIP UNDER RULE 50 — *Retired Members*

The following member who is 65 years of age and fully retired applies to be permitted to continue his membership in the Society under Rule 50 upon payment of an annual fee of $25.

James Murray Gage, Q.C., Burlington.

Approved

RESIGNATION

Graham M. MacLachlan of Willowdale applies to be permitted to resign as a member of the Law Society. Mr. MacLachlan was Called to the Bar on the 20th of June, 1940 and has paid his fees in full to 30th November, 1971.

Approved

ERRORS AND OMISSIONS INSURANCE — APPOINTMENT OF COMMITTEE

It is recommended that a Special Committee on Errors and Omissions Insurance be appointed composed of Mr. O'Brien as Chairman with Messrs. Cory and Griffiths, plus two others.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Law Association listed below has sent in its Annual Returns for 1971. The amounts set opposite its name is the amounts of the grants to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

	1972	*1971*
Welland	$1,530.00	$2,000.00

Approved

Special Grant — Temiskaming Law Association

The Libraries and Reporting Committee will also consider a request from the County Law Association of the District of Temiskaming for a special grant in the amount of $1,447.00 under Regulation 35(1) of The Law Society Act to assist the Association in discharging indebtedness incurred over the years in maintaining a good basic library.

Approved, subject to the approval of the Libraries and Reporting Committee.

THE FEDERATION OF LAW SOCIETIES OF CANADA (formerly Conference of the Governing Bodies of the Legal Profession in Canada)

The Federation of Law Societies of Canada request a grant of $10,000.00 from the Law Society of Upper Canada.

The Federation has estimated its expenditures for the coming year and divided the total amount among the provinces on the basis of the number of members of the profession in each province.

The Federation's estimated budget for the year ending 30th June, 1973 was before your Committee.

It was moved and seconded that the Society's contribution be reduced by an amount equal to 40% of the item described as "Meetings of Members of Federation (2)" so that the contribution of Ontario would be $5,200.

Lost

Your Committee recommends that the grant of $10,000.00 be made to the Federation of Law Societies of Canada.

Approved

LEGAL EDUCATION

The item appearing on the agenda of the Legal Education Committee in respect of the Summary of Recent Federal and Ontario Legislation, which was approved subject to the approval of this Committee, is approved.

APPROVED RETIREMENT SAVINGS PLANS

The Committee has before it for consideration a letter dated 13th September, 1972, from Mr. Malcolm Robb, Q.C., respecting Approved Retirement Savings Plans.

Your Committee recommends that no action be taken.

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee dated 17th October, 1972:

Your Committee met on Tuesday, the 17th day of October, 1972, at 2:00 p.m., the following members being present: Mr. Gray (Chairman), Mr. Beament (Vice-Chairman), and Messrs. Henderson, Levinter, Pallett, Pattillo, Sheard and Thom.

BUDGET — 1972-73

Your Committee had before it the estimates of the Standing Committees for 1972-73.

Your Committee recommends the Budget for 1972-73 which is now before Convocation.

INSURANCE

The Sub-Committee on Insurance reported as follows:

TO THE FINANCE COMMITTEE

Your Sub-Committee on Insurance begs leave to report:

Your Sub-Committee had reported in November 1971, recommending that the Society's general insurance be placed through Tuckett-Little Insurance Limited on the basis of coverage described in the specifications placed before the Committee. This recommendation was approved by the Committee, subject to the details being arranged to the satisfaction of your Sub-Committee.

The coverage has now been arranged and is in force in accordance with the particulars attached.

"I. Levinter"
Chairman
Approved

THE REPORT WAS ADOPTED

Convocation adjourned for luncheon at 1:00 p.m.

The Treasurer and Benchers entertained as their special guests at luncheon Dr. J. R. Evans, President of the University of Toronto, and Dean Martin L. Friedland of the Faculty of Law, University of Toronto.

Convocation resumed at 2:30 p.m.

DISCIPLINE COMMITTEE—Mr. Thom
COMPENSATION FUND

One Month Ending 30th September, 1972

Balance on Hand, 31st August, 1972			$1,474,771.26
Receipts			
Fees — 2 @ 30 (arrears $215)		$ 275.00	
Investment Income			
Gov. of Canada	$1,125.00		
Guar. Dep. Interest	1,202.08	2.327.08	
Recoveries			
Shuttleworth	$ 240.00		
Godo	100.00	340.00	2,942.00
			$1,477,713.34
Disbursements			
Counsel Fees, Reporters etc.			744.50
Balance on Hand, 30th Sept. 1972			$1,476,968.84

Resumé of Gross Claims Outstanding Claims received and not processed as of 31st August, 1972	$2,086,130.52
Received during month of September	34,243.75
	$2,120.374.27

Dismissed, withdrawn or written off during month of September	—
Settled by payments in whole or in part	—
**Claims received and not processed as of 30th September, 1972*	$2,120,374.27

*Blotti	—	$ 323,417.34
Caplan	—	1,051,276.12
Harris	—	519,749.90
		$1,894,443.36

Total paid to 30th September, 1972 on account of 824 claims in respect of 84 former solicitors	$2,578,621.88

THE REPORT WAS RECEIVED

GENERAL

Mr. Thom, Chairman, presented the General Report of the Discipline Committee dated 20th October, 1972:

Your Committee met on the 20th day of October, 1972 at 9:30 a.m. in the forenoon, the following members being present: Mr. S. Thom (Chairman), Mr. G. E. Beament (Vice-Chairman) and Messrs. Bowlby, Cass, Cory, Evans, Finlayson, Henderson, Krever, Pattillo, Gray, Steele and Strauss.

1. SUB-COMMITTEE ON DISCIPLINE PROCEDURES

In the light of the recent decision of the Supreme Court of Ontario in the appeal of Stephen French which confirms that Convocation functions as an appellate tribunal in discipline matters, your Committee has appointed a sub-committee under the Chairmanship of Mr. Brendan O'Brien and composed of Messrs. Gray, Griffiths, Martin, Maloney and Thom, to consider and report on all matters pertinent thereto.

2. COMPENSATION FUND LEVY FOR *1972-1973*

Your Committee has given further consideration to the Compensation Fund levy for 1972-1973 and now recommends that the levy be set at $30.00.

THE REPORT WAS ADOPTED

ANNUAL FEES *1972-1973*

It was moved and seconded that the annual fee be $120.

Carried

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Friday, the 13th day of October, 1972, the following members being present: Mr. John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Cory, FitzGerald, Lochead, Morden and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of August, 1972.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 5 months ended August 31st, 1972.

The Controller submitted a statement of a solicitor's account for services rendered the Plan.

The account was approved.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for three months ended September, 1972.

(b) The Legal Accounts Officer submitted a report for the month of September, 1972 with respect to reviews and appeals.

FEDERAL-PROVINCIAL AGREEMENT IN MATTERS RELATED TO THE CRIMINAL LAW

The Chairman appointed a Sub-Committee consisting of Messrs. Griffiths, Morden and Cory to review this matter.

A memorandum by the Sub-Committee concerning the proposed Federal Agreement was reviewed by your Committee and it is recommended that the memorandum be forwarded to the Attorney General.

The memorandum as amended and the draft Memorandum of Agreement as proposed by the Government of Canada are before Convocation.

COMMUNITY LEGAL SERVICES

L. S. Fairbairn, Assistant Provincial Director, reported on two matters:

a) the progress of the Hamilton Pilot Project,
b) the selection of an area in which to locate the pilot project on the proposed Advice and Assistance programme.

Mr. Robert Smylie, Press Relations Consultant, reviewed with the Committee the poster advertising proposed for use in conjunction with the Hamilton project. Sample posters were printed for the Committee's consideration. Your Committee recommended that the wording of the most appropriate poster be simplified and suggested that a new draft of the poster be prepared reflecting the Committee's recommendation.

Pilot Project — Advice and Assistance Programme

Mr. Fairbairn reviewed with the Committee a memorandum concerning the results of a survey which had been undertaken to determine the most appropriate area in which to locate this project.

Your Committee recommends, subject to the approval of the Peterborough Law Association, that a pilot project involving the proposed Advice and Assistance Programme be undertaken in Peterborough.

APPOINTMENT TO THE LEGAL AID COMMITTEE

Your Committee recommends that Lee K. Ferrier, Solicitor, Toronto, be appointed a non-bencher member of the Legal Aid Committee.

STUDENT LEGAL AID SOCIETIES

(a) *Proposed Meeting with the Law School Deans*

In March, 1972 the Chairman called a meeting with representatives from the six Ontario law schools to discuss Student Legal Aid. At the meeting the Chairman suggested a further meeting with the Law School Deans sometime in the early Fall.

The Chairman requested that a Sub-Committee be appointed to call and conduct such meeting.

Your Committee has appointed the following members:

P. S. FitzGerald, Q.C., Chairman
Peter deC. Cory, Q.C.
W. D. Griffiths, Q.C.
R. E. Barnes, Q.C.
Gordon Killeen, Solicitor

It was noted that two matters of concern to the Law Schools are:

- i) financial assistance for Student Legal Aid Societies,
- ii) the effect of the Community Legal Services report on the relationship between Student Legal Aid Societies and the Plan.

(b) Re: *Osgoode Hall Law School, York University*

Your Committee approved an application under Section 75 of the Legal Aid Regulation from Osgoode Hall Law School, York University, for permission to continue the involvement of Osgoode law students with civil duty counsel in the Toronto pilot projects as an approved function of that school's Student Legal Aid Society.

(c) Re:*University of Toronto proposal for a law school clinic*

Dean M. L. Friedland, University of Toronto, has elicited the co-operation of the Plan in the establishment of a student legal aid clinic on the outskirts of the University of Toronto campus.

Your Committee noted and approved Dean Friedland's offer to meet with the Committee to discuss the proposal in depth. The Dean will accordingly be invited to attend your Committee's November meeting.

TORONTO PILOT PROJECTS

Re: *WoodGreen Community Centre*

Mrs. A. C. R. Rosenthal received correspondence from WoodGreen Community Centre requesting financial assistance to obtain stenographic help.

In June, 1972 the Committee reviewed correspondence from F. J. E. Jordan, Community Legal Services Project Officer, Department of Justice, Ottawa, requesting WoodGreen Community Centre to obtain a letter of support from the Law Society with respect to their request for financial assistance.

The Committee recommended that the Society approve the request for a grant and that a letter be sent to Mr. Jordan supporting the application.

Mrs. A. C. R. Rosenthal received a letter from WoodGreen Community Centre dated September 13th, 1972 indicating that the Department of Justice had partially met their request through a $1,500 grant and the Centre is now seeking further assistance directly from the Law Society of Upper Canada to fund that portion not met by the Federal Government.

After reviewing this request for financial assistance your Committee instructed that the Centre be advised that there is no authority under the present legislation to provide direct financial assistance of this kind. The Centre is to be assured in such reply that amendments to the legislation envisaged in the Community Legal Services report will take into account the need for legislative authority to accommodate such requests.

PSYCHIATRIC HOSPITAL PATIENTS' WELFARE ASSOCIATION

The Committee was requested, in correspondence dated October 4, 1972 from E. K. Pukacz, Executive Director, Ministry of the Attorney General, to comment on a brief to the Ministry of the Attorney General from the Psychiatric Hospital Patients' Association.

The brief in question suggested that duty counsel be deployed in Ontario psychiatric institutions to acquaint citizens detained therein against their will with their legal rights under the Mental Health Act. The Association noted that persons involuntarily committed to a mental institution are in a position analogous to a person charged and detained in criminal matters. Some 7,000 patients were admitted to Ontario psychiatric facilities in 1970.

Your Committee was specifically requested to ascertain the extent of the commitment which would be required by Legal Aid to accommodate the Association's request before any decision on the matter is taken by the Government. The Committee was also asked to explore alternative means of providing this service, including the potential use of students.

After a full discussion of this matter your Committee appointed a Sub-Committee to consider and report; the Sub-Committee to consist of the following:

R. W. Cass, Q.C.
Austin Cooper, Q.C.
I. Levinter, Q.C.
G. Wallace. Q.C.

The Chairman will write Mr. E. K. Pukacz advising him that a Sub-Committee has been appointed.

SELECTION OF A LAWYER UNDER THE LEGAL AID PLAN

In January, 1972 a Sub-Committee was appointed to explore means of assisting legal aid applicants to make a more meaningful choice of counsel from existing legal aid panels. Peter deC. Cory, Q.C., Chairman of the Sub-Committee, reviewed with your Committee a questionnaire proposed to be sent to the Presidents of the County Law Associations in York, Middlesex, Carleton, Essex and Wentworth.

Mr. Cory reported the interest of Mr. Estey, Chairman of the Committee on Specialization, in the proposed survey.

Your Committee approved the form of questionnaire and recommends it be submitted to the following County Law Associations: Carleton, Essex, Middlesex, Wentworth and York.

PSYCHIATRIC DISBURSEMENTS

In the early stages of the Plan requests for psychiatric assistance were related mainly to very serious offences. During the last two years the Administrators of the Plan have become concerned with the increasing number of requests for psychiatric evidence. It was decided to hold meetings with Dr. R. E. Turner, Chairman, Ontario Psychiatric Association Committee on Psychiatry and Law, to ensure that fair medical fees were, in fact, being paid to expert medical witnesses under the Ontario Legal Aid Plan.

Meetings were held with Dr. Turner and recent correspondence from Dr. Turner addressed to Lucien Beaulieu, Assistant Provincial Director, is before Convocation.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Halton County Area Committee:

K. A. Langdon, Solicitor, Georgetown
James A. Treleaven, Crown Attorney, Halton County.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE AND PUBLIC RELATIONS COMMITEE—Mr. Henderson

A Joint Meeting of the Legal Aid Committee and the Public Relations Committee, October 13th, 1972

The following members were present: G. F. Henderson, Q.C., Chairman, Public Relations Committee, and Messrs. Carley, H. E. Harris, Krever, Pattillo and White; John D. Bowlby, Q.C., Chairman, Legal Aid Committee, and Messrs. FitzGerald, Lochead and Wallace. The Treasurer was also in attendance together with R. V. Smylie, Press Relations Consultant, Ontario Branch, Canadian Bar Association.

On August 26th, 1972 a joint meeting was held between the Public Relations and Legal Aid Committees. The purpose of this meeting was to discuss the objects and functions of the Public Relations Department of the Law Society of England. Mr. D. J. Cassell, Press Officer of that Department, was present as a special guest.

At the request of the Chairmen of both Committees, a second joint meeting was held on October 13th, 1972 to review, in depth, a transcript of the initial meeting with a view to making appropriate recommendations to Convocation. At the joint meeting on October 13th a number of matters were discussed including:

a) the simultaneous release of news information concerning the Society's affairs or those of Legal Aid in diverse parts of the Province;

b) the emphasis by the English Law Society on professional relations and the corresponding need for improved efforts in this area in Ontario;

c) the preparation of pamphlets for the public with information about the functions of a lawyer both in the context of legal aid and otherwise;

d) the training of individual members of the County Law Associations or Area Directors as local Press Officers;

e) the need for more extensive and sophisticated advertising of legal aid, especially in connection with the proposed Advice and Assistance programme;

f) Law Society response to unfavourable or factually inaccurate press comment;

g) proposal to register the proposed legal aid "logo" as a trade mark for secured use by the Ontario Legal Aid Plan;

h) the planning and production of public interest programmes concerning the law or legal aid;

i) arranging for news stories or editorial comment on favourable aspects of the functions of the Society or the Plan;

j) the relationship between the Law Society and the Ontario Branch of the Canadian Bar Association in public relations matters.

A consensus was reached at the meeting concerning the need for the Society to retain a full-time Public and Professional Relations Officer with duties involving the relevant affairs of both the Society and the Legal Aid Plan. To the extent that such Officer's time was devoted to legal aid matters, it was felt that cost sharing with the Provincial Government was appropriate.

The joint meeting agreed that the following two recommendations should be submitted to Convocation for approval:

1) *Public and Professional Relations Officer*

"The Joint Committee recommends that the Treasurer appoint a Committee to investigate and report to Convocation the feasibility of the engagement of a permanent secretary of Information and Communication."

2) *Legal Aid "Logo"*

"This meeting resolved that the Law Society of Upper Canada take steps to register the legal aid logo, the meeting having been advised that the Law Society of England has given its approval to the Law Society of Upper Canada obtaining registration with a view to continued use of the logo."

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE — Mr. Fennell

Your Committee met on the 12th day of October, 1972 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Cory, Fennell, FitzGerald, Grange, Griffiths, Krever, Lochead, MacKinnon, Morden, Pallett, Seagram, Strauss and Thom.

1. RULING 3 — TOUTING, ADVERTISING AND SOLICITING

At its June 1972 meeting your Committee considered a request from a member for an opinion as to whether it would be permissible for his name to appear on the letterhead of a Camp Association. The Sub-Committee on "Touting, Advertising and Soliciting, and News Media" was asked to consider a possible amendment to Ruling 3 which would permit the inclusion of a lawyer's name on such a letterhead. The Sub-Committee's report has been received and your Committee recommends that Ruling 3, 2(c), be amended by adding the following:

> "other than the designation of honorary counsel or honorary solicitor on the letterhead of a non-profit or philanthropic organization which has been approved for such purpose by the Professional Conduct Committee"

so that the amended 2(c) will read:

> "2. Without limiting the generality of Ruling 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:
>
> (c) while in private practice, to permit his name to appear on the letterhead of a company as being its solicitor or counsel of a business, firm or corporation, other than the designation of honorary counsel or honorary solicitor on the letterhead of a non-profit or philanthropic organization which has been approved for such purpose by the Professional Conduct Committee."

2. RULING 35 — RETIRED JUDGES RETURNING TO PRACTICE

The question has been raised by a member of the profession whether this Ruling applies to the returning to practice of Provincial Judges. Your Committee notes that there is no reference in the Ruling to Magistrates, or Provincial Judges as they are now called, and therefore the Ruling would not apply. In addition your Committee does not recommend that there be an amendment to the Ruling in this regard.

3. SUB-COMMITTEE ON PARKDALE COMMUNITY LEGAL SERVICES FORM OF ADVERTISING

At its May 1972 meeting, your Committee appointed a Sub-Committee under the Chairmanship of Mr. S. G. M. Grange and composed of Messrs. FitzGerald and Pallett, to consider the question of what form of advertising, if any, should be permitted to the Parkdale Community Legal Services operation. At its June meeting, your Committee considered a report which was incorporated in its report to Convocation. A further report has now come before your Committee.

REPORT OF THE SUB-COMMITTEE ON ADVERTISING BY PARKDALE COMMUNITY LEGAL SERVICES

> The Sub-Committee presented a report in June, which report was adopted by the Committee and by Convocation in that month. In essence. the report recommended that Parkdale be permitted to advertise until October, upon

terms that such advertising be confined to the Parkdale area, and specify that the services are for those who cannot afford a lawyer's fees and who require services which may not be provided under the Legal Aid Plan.

Parkdale supplied us with copies of all its advertising material and at the September meeting of the Committee, this material was distributed and the members of the Committee were asked to indicate to the sub-committee any reservations or complaints that they might have with respect to the form of that advertising. To the date of the preparation of this report, no such complaints had been received.

Mr. Lyle Fairbairn of Legal Aid has also been kept informed of the matter, and he and Mr. Zemans (one of the lawyers associated with Parkdale) have discussed with us the form that the advertising should take in the future. It was apparent that Mr. Fairbairn was concerned that the reference in the advertising to the Legal Aid Plan might actually reflect adversely upon the Plan in that it might suggest that Legal Aid Services were insufficient. It was also suggested that there might be benefit to the applicants for Parkdale services if they knew beforehand precisely the nature of the enterprise and the extent of student and law involvement, etc.

There were merits and demerits in any proposed specifics of the advertising, and finally it was agreed as follows:

1. In all future advertising Parkdale should continue to make it clear that the services were for Parkdale residents only.
2. Parkdale and Legal Aid would consider the effect of references in the advertising to the Legal Aid Plan and it might be that it would be better in the future to leave out such references. Indeed, there may eventually be some association or at least some closer liaison between the two organizations that would make such references inappropriate.
3. Parkdale would continue to consider the advisability of defining in its advertising more precisely the nature of its operation. It already does give some indication of its association with Osgoode Hall Law School in some of its advertising and it seeks to make it quite clear to applicants the extent of participation by students, at least when the applicant attends at the clinic.

> It may be that further definition of the advertising will be of benefit, not only to the applicants but to Parkdale as well.
>
> The Sub-Committee is of the opinion that the advertising conducted so far by Parkdale has been in accordance with the permission granted, and is not offensive. The Sub-Committee therefore recommends that permission be granted to Parkdale to continue its advertising. Parkdale has undertaken to continue to supply the Sub-Committee with copies of all advertising distributed, and the Sub-Committee suggests that it or some other appropriate body be requested to continue to examine such advertising and report from time to time to the Committee for further directions.

Your Committee has adopted this report. The Sub-Committee will continue in existence so that it may examine such advertising when necessary and report from time to time.

4. The question of whether it is proper to designate a paralegal employee whose duties consist of interviewing witnesses, obtaining copies of hospital records, court records and other contracts outside the office as a "legal assistant" on a business card, was put to the Committee. In its deliberations the Committee referred to an opinion which formed part of the Committee's report to Convocation in June 1970, and which read as follows:

> "Consideration has been given to requests by office managers and clerks in law firms for guidance as to the form of business cards they might use. Your Committee is of the opinion that cards used by members of the profession and by employees of members of the profession should clearly indicate that the members are barristers and solicitors and clearly indicate the position held by the employees so that the cards will truthfully represent their respective status and misrepresentation will be thereby avoided."

The Secretary was instructed to advise the enquiring lawyer that a "legal assistant", in the Committee's view, is contrary to the principle expressed in the opinion of June, 1970. In addition your Committee has appointed a Sub-Committee under the Chairmanship of Mr. P. S. FitzGerald and composed of Messrs. Cory and Wallace, to consider the general question that has been raised.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 12th day of October, 1972, the following members being present: Messrs. Steele (Chairman), Harris (Vice-Chairman), Borins, Carley, Cassels, Grange, Seagram and Wallace, and Miss A. R. McCormick. Mr. Krever also attended by invitation.

GREAT LIBRARY

GIFTS AND DONATIONS

Mr. John D. Honsberger, Q.C. has donated a copy of the National Conference of Referees in Bankruptcy, 46th Annual Meeting . . . 1971 ed., by W. T. Laube. New York. Matthew Bender [1971] 565p.

Noted

SUMMARIES OF REASONS FOR JUDGMENT

At its September meeting your Committee authorized the Chief Librarian to make available to private law libraries, at an appropriate price, copies of an index-catalogue which the Great Library had prepared for Summaries of Reasons for Judgment. The Chief Librarian has now advised that the continuation of this card-catalogue is too costly and impractical and your Committee has decided to replace it with a page-index (name and subject) which will be prepared monthly and consolidated annually. This page-index can be made available to private law libraries for between $10.00 and $15.00 annually. Your Committee intends to advertise its availability in the Ontario Reports.

Noted

BOOK LIST

A list of books which has been recently purchased for the Great Library is presented for approval.

The Chief Librarian also requests approval to purchase a Special List of Supplements which is before the Committee.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The following law association has sent in its annual return. The amount it should receive under the rules for the year 1972 and the amount received in 1971 are as follows:

	1971	*1972*
Welland	$2,000.00	$1,530.00

Approved

TEMISKAMING LAW ASSOCIATION

Your Committee had before it a request from the Temiskaming Law Association for a Special Grant under Regulation 35(1) of The Law Society Act in the amount of $1,447. The Association needs this money to retire existing debts and your Committee recommends that the Grant be made as requested.

The Chief Librarian inspected this Association's Library in August 1970 and reported that at that time it had a good basic collection of texts, reports and statutes and that the library was well maintained. The Association presently has eleven members and membership fees were increased this year from $25.00 to $50. In addition to fees, the Association made a special levy of $50.00 per member, bringing total revenue for the year 1972 to $1,100. Your Committee was satisfied that the debts for which the Grant is required are in order.

REPORTING

DECISIONS OF ADMINISTRATIVE TRIBUNALS

At its September meeting your Committee appointed a Sub-Committee, consisting of Messrs. Grange and Seagram, to investigate and report on the feasibility of the Society publishing Ontario Municipal Board decisions.

This Sub-Committee has now reported that there is presently a Committee of the Legislature which is investigating several aspects of the Ontario Municipal Board and that the matter of reporting Ontario Municipal Board decisions is within the Legislative Committee's terms of reference. Your Committee recommends that the Society make representations to this Legislative Committee that the Ontario Municipal Board, or some other governmental body, be made responsible for editing and publishing Ontario Municipal Board decisions.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 12th day of October, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Chappell, Cooper, FitzGerald, Fennell, Henderson, Pallett, Steele, Trepanier and White.

Your Committee had before it a letter from a solicitor who argued that the present six-month limitation period within which proceedings for unauthorized practice must be instituted is a hardship and suggested that the Committee consider an amendment to extend this period. Your Committee has referred this matter to the Legislation and Rules Committee.

DIVORCE COMPANIES

Proceedings have been instituted against two individuals and a Limited Company. It is expected that a trial date will be fixed on 24th October 1972.

Counsel has been retained to investigate the activities of a divorce company operating in eastern Ontario. Your Committee has authorized Counsel to institute proceedings if, in his opinion, there is sufficient evidence on which to base a charge.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 12th day of October, 1972 at 1:30 p.m., the following members being present: Mr. Henderson, Chairman and Messrs. Carley, H. E. Harris, Krever, Lochead, Morden, Pattillo and White. Mr. Smylie of R. T. Smylie & Company attended at the Treasurer's invitation.

NATIONAL PUBLIC RELATIONS PROGRAMME

At its meeting in March your Committee recommended that the Society contribute $4,000 to the Canadian Bar Association to cover the Society's contribution to the National Public Relations programme for 1972.

The Committee is asked to consider whether it proposes to continue the arrangement and to contribute a further $4,000 to cover participation during 1973.

Your Committee recommends that the arrangements continue for 1973.

PRESS RELATIONS — INFORMATION ASSISTANCE

Relationships between the Press and the English Law Society have been improved by the Society offering to give general legal information to the Press to help individual writers handle particular stories as they arise where some legal background knowledge is needed. The Press was told that the Society would provide background information for them whenever possible to help them either understand cases arising in Court or matters involving the law generally. Members of the Society there have agreed to have certain types of inquiries referred to them because of their special knowledge and readiness to give assistance in the name of the Society in this way.

The Secretary suggests that consideration be given to a similar service here.

Approved

THE REPORT WAS ADOPTED

ANNUAL MEETING

It was moved by Mr. Thom, seconded by Mr. Steele, that the Annual Meeting of the Society be held in conjunction with the March Special Lecture Series. This was *lost.*

It was moved by Mr. MacKinnon. seconded by Mr. Estey, that the Annual Meeting of the Society be held in conjunction with the Spring Meeting of the Ontario Section of the Canadian Bar Association on Saturday, 7th April, 1973, at the new Four Seasons Sheraton Hotel on Queen Street West, Toronto, This was *carried.*

REMEMBRANCE DAY

The Treasurer announced that the usual Remembrance Day Service would be held in the Great Library at the First War Memorial on Friday, 10th November, 1973 at 12:30 p.m., and appointed Messrs. Cassels and MacKinnon a Special Committee on Remembrance Day Service.

SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW—Mr. Estey

Mr. Estey, Chairman, presented the Report of the Special Committee on Specialization in the Practice of Law.

The Report was received and discussion deferred to November Convocation.

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Gray

Your Special Committee consisting of Messrs. Cassels, Chairman, Beament and Gray, recently considered the following matters.

1. Your Committee approved its budget for the year 1972-73.
2. Your Committee considered a request from Mr. Stuart D. Armour to make a gift to him of a painting by Sir Wyly Grier

of his grandfather, The Honourable John Douglas Armour, so that Mr. Armour in turn could give the painting to the Society for the Restoration of Victoria Hall in Cobourg, Ontario. This painting is presently on loan to Mr. Armour and has been since 1949 as a result of an arrangement made with the Society at that time.

Your Committee recommends that the painting be given to Mr. Armour on the understanding that he in turn give it to the Society for the Restoration of Victoria Hall in Cobourg, Ontario.

3. Your Committee approved a Notice to the Profession which is to be inserted in an early issue of the Ontario Reports. The Notice asks members knowing of any documents, pictures, or objects of historical value, to communicate with the Secretary of the Society.

4. PRESENTATIONS

His Honour Judge M. G. Gould of Sault Ste. Marie, Ontario, has presented the following documents from the collection of his late wife, Mrs. Dorothy K. Gould, who was a great-granddaughter of Henry Bonnycastle:

(a) Parchment Certificate of Admission to the Law Society of Upper Canada issued to Henry Bonnycastle on 29th April 1834;

(b) Handwritten letter from John A. MacDonald to Henry Bonnycastle dated 5th February 1879.

Her Excellency Mrs. Roland Michener has presented a history of the law firm of Gravel & Associés, prepared by Mr. Francois de B. Gravel who believes that his law firm might be the oldest one in Canada.

The Honourable Chief Justice G. A. Gale has presented a Card dated 15th October 1900, inviting Mr. Justice Rose to use the Hamilton Club. Mr. Justice Rose was the father of the former Chief Justice of the High Court of Ontario.

Noted

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 4:35 P.M.

Read in Convocation and confirmed this 19th day of January, 1973.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 17th November, 1972
10:00 a.m.

PRESENT:

The Treasurer (S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Cartwright, Cass, Chappell, Cooper, Cory, Estey, Evans, Finlayson, FitzGerald, Goodman, Grange, Gray, Griffiths, H. E. Harris, Henderson, Lochead, Maloney, MacKinnon, O'Brien, Pattillo, Raney, Seagram, Sheard, Steele, Strauss, Trepanier, Wallace, White and R. F. Wilson.

The Minutes of Convocation of 15th September, 1972, were read and confirmed.

LAW SOCIETY COUNCIL—Mr. Henderson

Mr. Henderson, Chairman, presented the Report of the meeting of the Law Society Council held on 11th October, 1972:

LAW SOCIETY COUNCIL
REPORT

TO THE LIEUTENANT-GOVERNOR-IN-COUNCIL
AND TO

THE BENCHERS OF THE LAW SOCIETY OF UPPER CANADA

The Law Society Council met at Osgoode Hall on October 11th, 1972, beginning at 10 a.m. The following were present:

G. J. Abols, H. C. Adams, Professor Harry Arthurs, John Bassett, J. Donald Bell, N. C. Brown, Professor Ian Bushnell, Roy Cairns, R. W. Cass, J. E. Clement, L. P. Compton, W. B. Cunningham, T. G. Dean, L. S. Fairbairn, R. J. Faulkner, S. E. Fennell, G. D. Finlayson, J. R. Maurice Gautreau, E. A. Goodman, H. E. Harris, M. J. Hennessey, John D. Honsberger, Wm. R. Kay, J. F. Kelleher, Andrew M. Lawson, G. H. Lochead, B. J. MacKinnon, Miss L. Dorothy Martin, Professor John P. S. McLaren, James McCubbin, Sam Murphy, Patrick O'Keeffe, Sydney L. Robins, K. M. Sepkowski, Professor Dan Soberman, R. D. Steele, Nathan Strauss, R. M. Summerby, Professor F. B. Sussman, Stuart Thom, R. C. Thompson, F. S. Weatherston, Ray Wyrzykowski.

1. Mr. John Bassett was re-elected Chairman.
2. *Interest on Trust Accounts*

Mr. MacKinnon reviewed the situation respecting the interest on lawyers' mixed trust accounts which at present results in the banks receiving the benefit of the money held by lawyers for their clients in non-interest-bearing banking accounts.

He referred to the letter which had been written in 1970 by Mr. Howland, when he was Treasurer of the Society, to the Attorney General who at that time was The Honourable Arthur A. Wishart. The letter reported that Convocation approved of legislation being sought similar to the provisions of The Legal Professions Act of British Columbia so that those members of the legal profession who wished to do so might have the interest on their mixed trust accounts paid to a special foundation and applied for certain specific purposes, namely, legal education, legal research, law reform and law libraries, including information retrieval. Legal Aid was not included as one of the specific purposes since it was felt that the Provincial Legislature had adopted a policy that Legal Aid should be paid out of public funds and consequently it might not be appropriate that interest on the funds of private individuals should be used for this purpose.

Mr. MacKinnon referred to discussions the Society had had with subsequent Attorneys General and said that the present Attorney General appears to favour at least some portion of the interest being made available for Legal Aid. He told the Council that the Society's Special Committee on Interest on Trust Accounts had reported to Convocation in May recommending that the Attorney General be advised that the Society considers that one-third of the interest should be made available for Legal Aid, the balance to be used for the other purposes already mentioned. The Committee also recommended that participation in the proposed scheme should be compulsory upon members of the Society except that clients must receive interest on sums left with lawyers in sufficient amount and for a long enough time to attract interest and that lawyers should be permitted to keep the interest earned by money belonging to a client who has given him permission to do so by written instruction. Convocation adopted the Committee's recommendations.

It was moved by Mr. Summerby, seconded by Mr. Cairns that the Law Society Council approve and support the recommendations adopted by Convocation. *Carried unanimously*

3. *Legal Aid*

Mr. Lyle Fairbairn reviewed recent developments in the field of Legal Aid and summarized the matters set forth in his Community Legal Services Report.

4. *Future of the Law Society Council*

The Chairman introduced the subject stating that the creation of the Council was a forward step providing an opportunity for the public to observe the policy making process of the profession. He said that the Government is to be commended for having taken the step, but that now that its members have had an opportunity to assess its effectiveness a Committee should be formed to examine whether the Council remains the best and most effective instrument. He reminded the members that the Council had twice recommended that the Government provide a $50,000 grant to the Special Committee on Legal Education but that the Government had not responded.

Sydney L. Robins, Q.C., the Treasurer of the Law Society, agreed with the Chairman's observations and added that the Society is continuing to seek new ways to improve communications with the public and within the profession itself. He referred to the meetings the Society formerly arranged with representatives of the County and District Law Associations when matters of importance to the profession were discussed. He said that these meetings had been useful and productive whereas the meetings of the Law Society Council had proven cumbersome and an ineffective window on the profession. Mr. Robins said that the questions the Chairman had raised were being considered by a Committee of the Society which he suggested might meet with the Committee to be appointed by the Chairman. Mr. Robins said that he thought there should be direct public representation in Convocation and that the Law Society Council should be dissolved provided the meetings with the representatives of the County and District Law Associations were revived.

The subject was discussed fully by the meeting and then referred for consideration and report to a Committee composed of Mr. Kelleher, Chairman, Messrs. Bell and Faulkner.

5. *Next Meeting*

The Chairman announced that the next meeting of the Council would be between the 1st and 14th of December.

The meeting adjourned at 12:30 P.M.

All of which is respectfully submitted.
Dated this 14th day of November, 1972.

"John Bassett"
Chairman

THE REPORT WAS RECEIVED

Mr. Henderson placed before Convocation a Report of a Committee of the Law Society Council which is to be presented at the next meeting of the Council on 12th December, 1972. The Committee was to consider and make recommendations for the future of the Law Society Council. It recommends that the Law Society Council discontinue in its present form provided there is lay representation in Convocation.

MOVED by Mr. Cory, seconded by Mr. Cooper, that Convocation invite two lay members of the Law Society Council to attend Convocation and meetings of its Committees.

Carried

MOVED by Mr. Pattillo, seconded by Mr. Cooper, that this be done on a trial basis and reviewed at the end of a year.

Carried

SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW—Mr. Estey

The Report of the Special Committee on Specialization in the Practice of Law was received by Convocation on 20th October, 1972, but discussion of the Report was deferred until November Convocation.

The Report is as follows:

1. Composition and Terms of Reference

Your Committee was appointed by Convocation to consider all aspects of Specialization in the Practice of Law, including the establishment of courses leading to specialist qualification in law. The following are the members of the Committee: W. Z. Estey, Chairman; Stephen Borins, A. M. Cooper, C. L. Dubin, S. E. Fennell, E. A. Goodman, G. F. Henderson, G. A. Martin, Stuart Thom, A. F. Sheppard, Dean Soberman, Faculty of Law, Queen's University; Professor D. B. Spence, Osgoode Hall Law School of York University; Professor A. W. Mewett, Faculty of Law, University of Toronto.

2. GENERAL

Your Committee met on seven occasions and had the advantage of considering studies made in other jurisdictions. These were collected and annotated for the Committee's use by Lorne Saltman, Student-at-Law.

The governing bodies in the other Canadian Provinces were asked to submit their views. Analysis of the problems involved had been carried furthest in California and New Jersey and the reports from those jurisdictions proved most helpful to your Committee. They also defined many of the benefits which might be expected to flow from a properly conceived and efficiently conducted plan to qualify specialists. Your Committee has not adopted all of the solutions suggested in the California study but has reached conclusions it considers best suited to the conditions of practice in Ontario, the educational facilities available here, the character of the controls on professional conduct and the needs of the general public.

The first question before your Committee was whether to recommend that some recognition should be given specialists. It has come to the conclusion that a plan should be adopted in Ontario to train, test and qualify specialists in certain areas of the practice of law. Very considerable expansion has taken place in the number of identifiable branches of the law. In most, if not all of them, formidable bodies of technical information have been developed which demand considerable expertise on the part of the practitioner. Many lawyers, either by chance or by choice, have limited their practices within fairly narrow boundaries. As a natural result of this concentration they have become specialists in fact and are recognized as such by their colleagues.

The public and members of the profession as well want to be able to find lawyers who specialize. Your Committee is of the view that they should be able to do so. The public demand for specialists is increasingly heard and has been reflected in editorial comment in the press. Your Committee is aware, however, that although many in the profession favour some plan to qualify specialists there are those who would view this as a retrograde step endangering the future of the generalist. Consequently some formality in procedure must be prescribed if specialization as a principle is to be adopted by our profession.

It is clearly out of the question simply to allow members to designate themselves as specialists even though they limit their practice to certain areas of law. The public must have the assurance that those who are held out to be specialists have undergone suitable training and testing and that their claims to expertise are subject to appropriate controls on a continuing basis.

3. GENERAL PROPOSAL

In this report your Committee proposes that a plan be adopted to provide the means whereby members of the profession can qualify as specialists in certain areas of law and that rules of conduct be laid down for the guidance of those who so qualify and to ensure the orderly development of this new phase of legal service.

Your Committee proposes that the Law Society of Upper Canada discharge the responsibilities of establishing and maintaining standards to be met by those seeking specialist qualification; that the Society conduct qualifying courses and examinations; prescribe the appropriate procedures and enact and enforce such rules of professional conduct as the development of specialization makes necessary or desirable.

4. THE APPROPRIATE TIME FOR SPECIALIZATION

Students are allowed considerable latitude in their LL.B. courses in choosing among a wide variety of optional courses. They must at the present time all complete seven basic subjects which are considered necessary to fit them for entrance into the Bar Admission Course and ultimately for the general practice of law. Some make use of optional subjects having already decided to concentrate in one or more particular areas of practice. Your Committee considers, however, that true specialization should not begin at this stage of a student's education.

It has been suggested that optional courses be introduced into the teaching portion of the Bar Admission Course. Presumably optional subjects in the Bar Admission Course would be in addition to those already taught, and would afford the student a further chance to become proficient in a chosen field. Your Committee, however, thinks that true specialization should follow after not only the Bar Admission Course but after a period of practical experience in practice and concentration on the areas selected. Any division of the law into separate fields is to some extent artificial and a full understanding of any particular area can only be built upon adequate knowledge of the whole. It is for this reason that your Committee considers that specialization should not be encouraged or given recognition at an earlier stage in a lawyer's development. It is of crucial importance that the general practitioner remain both numerically and influentially the dominant factor in the profession. For this reason the educational system which produces generalists must remain the basic requirement for all lawyers. The training of specialists must be additional to general training.

In coming to its conclusions and making its recommendations your Committee emphasizes that notwithstanding the legitimate demands for specialization the importance of the general practitioner has in no way diminished. Particularly in areas outside urban centres the public must be assured of an adequate supply of competent general practitioners.

Your Committee has examined the report of the Special Committee on Legal Education but concluded that its recommendations in no way conflict with those your Committee makes in this report.

5. Responsible Committee

It is recommended that if your Committee's proposals are adopted a sub-committee of the Legal Education Committee be formed to be responsible for making specific recommendations from time to time through the Committee to Convocation for the administration of the Specialization Programme.

6. Number and Kinds of Specialties

It would be a mistake to create too many specialties, particularly at the outset of the programme. It is suggested that no more than two or three areas of specialization be provided for at this time. The Specialization sub-committee should recommend additional areas of specialization from time to time as they are required.

The following appear to be suitable areas for specialization:

Criminal Law
Taxation (including Income Tax, Estate Tax and Municipal Taxation)
Patents and Trade Marks
Bankruptcy
Wills and Trusts
Family Law, including Divorce
Admiralty and Maritime Law
Labour Law
Civil Litigation
Real Estate

It is suggested that Criminal Law, Bankruptcy, Admiralty and Labour Law be the first areas of specialization provided for. The remainder of the list is not intended to be either exhaustive or definitive and is included to indicate areas your Committee considered might at some future time be made specialties. The fact that Criminal Law, Bankruptcy and Admiralty are the subject of federal legislation makes their initial selection the more appropriate. Other Provinces, notably British Columbia and Alberta, are actively considering specialization and co-ordination of specialties and the training of specialists would be advantageous and would be facilitated by the common federal subject matter.

Furthermore, the application of specialization to federal subject matters will promote mobility of specialties among the profession. Other Provinces would be encouraged to form their own specialist programmes in the same areas of law and this would produce a desirable degree of uniformity which could be maintained by frequent consultation through the Federation of Law Societies of Canada.

7. GENERALISTS NOT LIMITED BY SPECIALIZATION

Your Committee is strongly of the view that general practitioners should continue to practise in all fields of law including those in which specialist qualifications exist. Any other arrangement would seriously diminish the effectiveness of general practitioners, particularly in areas where it is likely there would be future specialists.

8. SPECIALISTS NOT LIMITED TO THEIR SPECIALTY

Your Committee is of the opinion that those who gain specialist qualifications should be able, if they wish to do so, to continue in the general practice of law and should not be restricted to practise only their specialty. Any other arrangement would seriously and unnecessarily restrict the specialist's practice and might inconvenience his clients.

5. QUALIFYING COURSES

(a) *For Those Who are Already "Specialists"*

In any new development of this kind provision must be made for the so-called "grandfathers". Your Committee suggests that for the two years following implementation of a programme to qualify specialists those who have already completed at least ten years of practice substantially devoted to the field in which certification is sought be allowed to apply for and be granted specialist qualification by Convocation on the recommendation of the Legal Education Committee.

(b) *For All Others*

Your Committee recommends that in addition to completing prescribed courses leading to specialist qualification candidates also be required to complete five years of active practice substantially devoted to the field in which specialist certification is sought.

Your Committee recommends that the requisite specialist qualifying courses of instruction be instituted using the facilities of the Bar Admission Course and where appropriate the assistance of the approved law schools. We further recommend that the Society's Continuing Education Programme be adapted to mandatory courses for the maintenance of specialist standing. Wherever possible lectures and seminars should be arranged for weekends so as not to interfere unduly with candidates' practices. In addition, concentrated courses of a week or more in length would probably be required in the summer months. Attendance at the prescribed courses should be compulsory and candidates should be required to pass written and oral examinations. Those who have complied with all requirements should be certified by Convocation and allowed to identify themselves as specialists within the limitations suggested later in this report.

10. CONTINUING EDUCATION

Those who have acquired specialist qualifications should be required periodically to attend further instruction in the field of their specialization in order to maintain their certification.

Your Committee does not think it desirable that there should be compulsory periodic re-examination or as has been suggested elsewhere that specialist certificates should lapse periodically and need to be reinstated.

11. MULTIPLE SPECIALISTS

Your Committee considers that specialists should be allowed to qualify in more than one specialty but probably not in more than two or at the most three unless it can be established to the satisfaction of the Legal Education Committee that such multiple qualification is justified by the nature of the member's practice.

12. IDENTIFICATION OF SPECIALISTS

Your Committee recommends that those holding specialist certificates should be identified on their letterhead, on the signs identifying their offices, on their professional cards, in telephone directories and in other approved publications by the words, "Specialist in Criminal Law" or as the case may be. Specialists would, of course, be so classified by the Legal Aid Plan and the Referral Service. Whether the rules of professional conduct would continue to be applicable to the specialist in the same way as to the general practitioner should be determined by the Professional Conduct Committee.

13. OTHER CONSIDERATIONS

Your Committee is not unmindful of the possible impact on the law of professional negligence of the introduction of specialization standing in our profession. The position of both the specialist and the general practitioner in such a circumstance will no doubt require many years of evolution in the Courts. The Society's Legislation and Rules Committee should consider whether amendments to the Law Society Act would be required if this programme is to be implemented.

Your Committee has deliberately cast this report in a comprehensive rather than detailed mould because we anticipate that Convocation may wish to consider the matter as a question of principle before becoming submerged in debate in a sea of detail.

THE REPORT WAS ADOPTED IN PRINCIPLE

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 9th November, 1972 at 2:30 p.m., the following members being present: Mr. W. Z. Estey, Vice-Chairman, in the Chair, and Messrs. Borins, Cass, Finlayson, Grange, Henderson, Howland, Morden, Pattillo, Sheard and Thom.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Bar Admission Course Faculty Appointments:

The following appointments to the Bar Admission Course Faculty for the 14th Teaching Term are recommended for the approval of the Committee:

(a) *Civil Procedure 1*

R. J. Rolls, Q.C., to continue as Head of the section and the following instructors to either continue or be appointed: Mr.

H. M. A. Brodkin, Mr. D. J. Brown (new), Mr. D. J. M. Brown, Mr. P. J. Brunner, Mr. M. A. Catzman, Mr. A. E. Charlton, Mr. T. J. Dunne, Mr. C. M. Finlay, Mr. L. T. Forbes (new), Mr. B. G. Freesman (new), Mr. P. J. Green, Mr. P. G. Jarvis, Mr. P. F. M. Jones, Mr. G. E. Julian, Mr. P. S. Lamek, Mr. A. J. Lenszner, Mr. J. T. Morin (new), Mr. W. H. O. Mueller (new), Mr. A. M. Robinson (new), Mr. J. M. Roland, Mr. D. H. Sandler, Mr. P. J. Sullivan, Mr. M. Teplitsky (new), Mr. P. Webb, Mr. B. H. Wheatley, Mr. T. H. Wickett, Mr. T. C. Wright, Mr. P. Young. Stand-by: Mr. G. R. W. Gale (new), Mr. J. I. Laskin (new), Mr. J. W. McCutcheon, Mr. J. L. McDougall (new), Mr. L. D. Roebuck (new), Mr. J. W. Rowley (new), Mr. J. E. Sexton.

Approved

Annual Meeting of Student Awards Officers Association of Ontario:

The suggestion has been made that the Law Society might host the meeting scheduled for April, 1973. Mrs. Knox, as part of her responsibilities on the Executive Committee, has been appointed Chairman of a Planning Committee for the annual meeting and the task would be considerably easier if she could plan to use the facilities at Osgoode Hall.

The meeting usually takes place early in April, and the 12th and 13th, or 19th and 20th of April have been suggested as possible dates.

Approved subject to Approval of the Finance Committee.

Committee of Students:

Two meetings of the Committee of Students have been held with the Director and Assistant Directors present, and a further two-hour meeting is scheduled for the 6th of November. In addition, the Committee has met on its own. In the meetings with the administration the following matters have been raised by the students or the officers and are either under discussion or being acted upon:

(a) A request from the Committee to meet with Sections Heads as early as possible in each course. The first opportunity to implement this procedure was taken on Thursday the 27th of October with Mr. Ronald J. Rolls, Q.C., Head of the Section on Civil Procedure I.

(b) A Convocation Eve party for the graduating class.

(c) The possibility of regional Convocations in County or District towns. A sub-committee has been formed to investigate this possibility and make its recommendations.

(d) The mechanical procedure of examinations. Two students were asked to discuss these problems with Mrs. Knox and make recommendations.

(e) Evaluation of lecturers and instructors. A sub-committee was struck to consider how this should be done.

(f) Extending the hours of the Bar Admission Course Library.

(g) Changing the date for the Call to the Bar ceremonies.

(h) Prices and hours in the cafeteria.

(i) Setting out in the calendar the rules and regulations relating to articling students including such things as holidays and citizenship requirements.

(j) Provision for additional pay-telephones and free telephone service for local calls.

Advance Registration for Continuing Education Programmes:

Registrations for pending programmes received up to the 3rd of November are as follows:

Name of Programme	*Date of Programme*	*Advanced Registrations*
Family Law (2 days at $50)	November 18th and 25th	256
Transportation Law	December 2nd	71
Income Tax	December 9th	222
Estate Planning Seminars		148
Estate Planning — Out-of-town, Windsor.	November 11th	10
Party & Party Costs Seminars		9

1973 March Special Lecture Series:

The Planning Committee has settled most of the lectures to be given in this Series on New Principles in the Law of Torts. Professor J. Fleming, an author on one of the standard works in this field will be delivering the keynote lecture on "Foreseeability". The Planning Committee is proposing that the

Series be opened by the Treasurer and the Chief Justice of Ontario, with Professor Fleming immediately following with his presentation. Assignments of all the lecturers will be completed shortly to ensure ample time for preparation and advance promotion.

Winter and Spring Continuing Education Schedule:

Two days a week are being allowed throughout the winter and spring period for seminars on videotaped and print materials. The titles which we will be able to offer include Income Tax — Considerations on the Incorporation and Winding-up of Companies, Estate Planning and Administration, Party and Party Costs and Bail Reform. These Seminars will be conducted in Room 234 at Osgoode Hall. In addition ten days have been set aside for regional presentations in the January to June period.

The tentative list of regular large-scale programmes to be conducted at Osgoode Hall (as distinct from seminars) is as follows:

DATES	TITLE OF PROGRAMME
Saturday, January 6th	Income Tax — Considerations on the Incorporation and Winding-up of Companies (repeat)
Saturday, January 20th	Income Tax — Considerations on the Incorporation and Winding-up of Companies (repeat)
Saturday, February 3rd	Consumer Protection
Saturday, February 24th	Actuarial Evidence (invitational Seminar)
Friday, March 2nd and Saturday, March 3rd Friday, March 9th and Saturday, March 10th	The March Special Lecture Series
Saturday, March 31st	Legal Aid
Friday, April 13th and Saturday, April 14th	Real Property
Friday, April 27th and Saturday, April 28th	Labour Law
Saturday, May 5th	Legal Drafting
Friday, May 11th and Saturday, May 12th	Communications Law

Thursday, May 17th and Friday, May 18th	Law of Damages
Saturday, May 26th	Legal Secretaries, Part III (Estates or Bookkeeping)
Friday, June 1st and Saturday, June 2nd	Estate Planning and Administration
Friday, June 8th	Industrial Property
Thursday, June 14th and Friday, June 15th	No Fault Insurance

PETITION

Wilfred McKinnon Estey obtained his LL.B. degree from Osgoode Hall Law School in May 1972. At its May 1972 meeting the Committee considered and granted Mr. Estey's petition to be allowed to serve as clerk to Mr. Justice Hall of the Supreme Court of Canada for a period of four months, then to continue his articles with a law firm commencing the first of January, 1963.

Mr. Estey now refers to the Report of the Sub-Committee on Legal Education and asks that in view of the recommendation to abolish articles he be allowed to continue under articles for twelve months with a judge of the Supreme Court of Canada.

Mr. Sheard took the Chair — Mr. Estey left the meeting. Your Committee recommended that the request be refused.

Messrs. Estey and Pattillo took no part in the ensuing discussion in convocation and did not vote.

It was moved and seconded that the petition of Wilfred McKinnon Estey be granted to permit him to serve all of his articles with a Judge of the Supreme Court of Canada.

Carried

THE REPORT AS AMENDED WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday the 9th day of November, 1972, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Cartwright, Grange, Lochead, Pattillo, Seagram, Sheard and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Under Bar Admission Course Regulation 26(5)

Fourteen candidates having complied with the relevant

Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972.

Approved

DIRECT TRANSFER

Your Committee considered and approved applications to transfer to practise in Ontario by applicants from Manitoba and Saskatchewan.

COMMONWEALTH TRANSFER

An application from a solicitor from Tanzania to transfer to practise in Ontario was considered and approved by your Committee.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOLS

The following member of an approved law faculty asked to be Called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200.00:

Manabharana Lakshman Marasinghe: LL.B. University of London, 1961; Master of Laws University of London, 1963; Called to the English Bar, 1966; Full-time member Faculty of Law, University of Windsor, since 1st July 1970.

Approved

PETITION

At its October 1972 meeting the Committee had before it an application for direct transfer from a solicitor from New Brunswick. It was the decision of the Committee that the applicant did not comply with Regulation 4(1). The applicant asked to appear before the Committee. The applicant attended and made submissions.

Your Committee recommends he be permitted to enter the teaching term of the Bar Admission Course in September, 1973.

OCCASIONAL APPEARANCE

Cecil Posman, Montreal, Quebec, applies to proceed under the Admission Committee's Regulation 10 governing "Occasional Appearance in Ontario" of lawyers from other Provinces. The case is to be heard on the 29th November, 1972. He asks to be called to the Bar and admitted as a solicitor at the Convocation on 17th November.

Your Committee approved for call at the November Convocation.

READMISSION

Bruce Wilfrid Harris was called to the Bar and sworn in as a solicitor of the Supreme Court of Ontario on February 17, 1949. On January 18th, 1957 Convocation adopted a Report of the Discipline Committee in which the Committee recommended that the solicitor's name be removed from the rolls and records of The Law Society of Upper Canada on his own request. Mr. Harris first applied for re-instatement in April 1968, and although he did not proceed, he did not withdraw the application. Mr. Harris now wishes to proceed and asks whether the present readmission procedures apply to his application.

Your Committee recommends that he be advised he must proceed under the present regulations and procedures.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 9th day of November, 1972, at 3:30 p.m., the following members being present: Messrs. Trepanier (in the Chair), Cartwright, Henderson, Howland, Pallett, Pattillo, Sheard, Steele and Thom.

ROLLS AND RECORDS

The Secretary reports:

Deaths

The following members have died:

Ewart Gladstone Binkley, Hamilton	Called — 8 February 1917 Deceased — 3 October 1972
Basil Arnot Ramsey, Q.C., London (Life Member)	Called — 21 October 1920 Deceased — 13 October 1972
Patrick David Scollard, Peterborough	Called — 18 September 1941 Deceased — 16 October 1972
Charles Ernest Smalley-Baker, Q.C., Toronto (Dean Emeritus, Osgoode Hall Law School)	Called — 15 September 1949 Deceased — 2 November 1972

Noted

Restored to the Rolls

Gordon Richard Foster, Q.C., gave notice under Section 31 that he had retired as a Provincial Judge (Criminal Division), County of Simcoe, and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored.

Noted

Arthur Otto Klein, Q.C., gave notice under Section 31 that he had resigned as Chief Judge of the Provincial Courts (Criminal Division) and accepted appointment as Crown Attorney for the Judicial District of York, effective 27th September, 1972, and that he wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored.

Noted

Request for Life Membership

The Honourable Edward Anderson Richardson, Q.C., retired as a Judge of the Supreme Court of Ontario on 9th August, 1972, having been appointed to the Bench on 24th October, 1961. Mr. Richardson wishes his membership in the Society restored under Section 31 of the Law Society Act and has asked that consideration be given to his request for life membership in the Society.

Approved

Change of Name

Zubeida Barmania Pascual appears on the Rolls of the Law Society under the surname "Pascual", being her married name. She asks that her name be changed on the Rolls to "*Barmania*", her maiden name. Her petition is before the Committee.

Approved

Libraries and Reporting Committee

County Library Grants

The Law Association Listed below had sent in its Annual Return for 1972. The amounts set opposite its name are the amounts of the grants to which it appears to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date:

		1971	*1972*
Lincoln	$2,000.00	$2,000.00	$2,000.00

Approved, subject to the approval of the Libraries and Reporting Committee.

LEGAL EDUCATION COMMITTEE

1. *Criminal Law Prize*

Mr. William B. Common, Q.C., has donated a $100.00 cash prize each year to the student obtaining the second highest standing in the examination on Criminal Law. The prize is to be known during the donor's life as "The William B. Common Prize" and after his death as "The William B. Common Memorial Prize".

Noted

2. *Annual Meeting of Student Awards Officers Association of Ontario*:

The Legal Education Committee, at its meeting on this date, will be asked for instructions to conclude arrangements with The Students Awards Officers Association of Ontario whereby the Law Society would act as host for the Association's annual meeting in April.

Approved

3. *Candidates Qualifying for Re-Admission to the Law Society*:

The three candidates in the Bar Admission Course seeking readmission to the Law Society paid $100.00 when they submitted their petitions for re-admission, but have not been asked to pay the $101.00 paid by the ordinary student upon his commencement of articles. The ordinary student-at-law must pay this fee in order to become a student member of the Law Society.

Your Committee recommends that they not be required to pay the $101.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 8th day of November, 1972, the following members being present: John D. Bowlby, Q.C., Chairman and Messrs. Cass, Ferrier, FitzGerald, Gray, Killeen, Lochead, Morden, Trepanier and Wallace.

Dean M. L. Friedland, Faculty of Law, University of Toronto, Professor Desmond Morton, Faculty of Law, University of Toronto, and Mr. H. Harrison and Mrs. D. Atkinson, law students, University of Toronto, attended the meeting at the invitation of the Committee.

E. J. McGrath, Solicitor, London, attended the meeting at the invitation of the Committee.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of September, 1972.

(b) The Director submitted recommendations with respect to writing-off balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Approved

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 6 months ended September 30th, 1972.

(b) The Controller submitted a statement of a solicitor's account for services rendered the Legal Aid Plan.

Approved

(c) The Controller submitted a memorandum with respect to administrative expenses.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of October, 1972.

(b) The Legal Accounts Officer submitted a report for the month of October, 1972 with respect to reviews and appeals.

STUDENT LEGAL AID SOCIETIES

Re: *University of Toronto proposal for a law school clinic*

At the October meeting L. S. Fairbairn, Assistant Provincial Director, reported that he had met with Dean Friedland of the University of Toronto Law School to discuss the initiation of a student legal aid clinic.

The Committee recommended that Dean Friedland be invited to attend the November meeting to discuss the proposal.

Dean Friedland, Professor Morton and Mr. H. Harrison and Mrs. D. Atkinson, law students, attended the meeting.

The submission from the University of Toronto involved the establishment of a student legal advice and summary assistance centre in the premises located on the outskirts of the campus near the intersection of Bloor and St. George Streets. The centre would be designed to provide legal advice and summary assistance to persons within the University community and residents of near-by low income communities.

Depending upon the demonstrated need for such services, the Dean suggested that the Ontario Legal Aid Plan might provide for the attendance of duty counsel at the proposed clinic for a period of up to three hours per day. In addition to acting as duty counsel, it was contemplated that such person would assist with the supervision of participating law students.

Your Committee approved in principle that co-operation be maintained with the Faculty of Law, University of Toronto, in establishing a legal advice and assistance centre. The Committee requested L. S. Fairbairn, Assistant Provincial Director, to continue his discussions with Dean Friedland with a view to obtaining a detailed comprehensive programme which can be reviewed at the next meeting of the Committee.

PART VII OF THE REGULATION

Payment of Costs

Your Committee considered applications for payment of costs from the Legal Aid Fund pursuant to Part VII of the Regulation.

These applications were reviewed by G. E. Wallace, Q.C., Vice-Chairman, who recommended the applications be refused.

SUB-COMMITTEE ON COMMUNITY LEGAL SERVICES

The Sub-Committee on Community Legal Services presented a report dealing with suggested approaches to implementation of the report.

Noted

LIMITATION OF CERTIFICATES (75 *Criminal*)

At its November, 1971 meeting the Committee re-reviewed the policy of limiting to 75 the number of criminal certificates which a lawyer can accept in a legal aid fiscal year. The Committee recommended, and Convocation approved, the following:

(a) that the policy of limiting the number of criminal certificates to 75 which a solicitor may accept in a legal aid fiscal year be continued,

(b) that the Director be given discretion to waive the limitation and permit an increase to 125, subject to the right of the solicitor to appeal the Director's decision to the Legal Aid Committee, if the Director refuses the request,

(c) that any request from a solicitor for an increase in excess of 125 certificates must be considered and approved by the Legal Aid Committee.

E. J. McGrath, Solicitor, London, applied for an increase in excess of 125 certificates for the fiscal year April 1st, 1972 — March 31st, 1973. The Area Director recommended that the increase be granted.

Mr. McGrath appeared before the Committee.

Your Committee recommended that the solicitor be permitted an increase to 175 certificates.

STATUTORY POWERS PROCEDURE ACT, 1971

At its meeting on December 8th, 1971 the Legal Aid Committee recommended that counsel be retained to give an opinion on whether the Statutory Powers Procedure Act, 1971 is applicable to the Legal Aid legislation.

The Committee at its meeting on April 12th, 1972 reviewed the opinion and instructed the Director, in view of the substantial impact conformance with the Act might have on Legal Aid proceedings, to seek an exemption as provided under Section 36 of the Statutory Powers Procedure Act. To date no exemption has been granted.

At its meeting on May 10th, 1972 the Legal Aid Committee appointed a sub-committee consisting of J. W. Morden, Chairman, and Messrs. Cory and Griffiths to consider the opinion and to make such recommendations as appeared necessary.

At its meeting on August 9th, 1972, J. W. Morden, Chairman of the sub-committee, submitted a report to the Legal Aid Commitee. After an in-depth review of the report, your Committee recommended that the sub-committee be authorized to draft a submission for presentation to the Attorney General concerning the effect which full compliance with the Statutory Powers Procedure Act will have on the administration and cost of the Legal Aid Plan and to recommend an alternative solution to the problem. It was anticipated that the submission would include estimates of costs:

(a) in the event that the Statutory Powers Procedure Act requires hearings to be held at the various levels of application provided for by the present legal aid legislation,
alternatively —

(b) in the event that the sub-committee's alternative solution is implemented.

On September 11, 1972, J. W. Morden submitted material for consideration of the Committee. It was recommended that a final report be prepared to be submitted to the Attorney General.

The report prepared by Mr. Morden was discussed at the Area Directors' meeting on September 15th, 1972. The report was also circulated to the Area Directors for comment. Twenty replies were received.

A final memorandum dated November 6th, 1972 taking into consideration the material received from the Area Directors was reviewed by your Committee.

Your Committee recommends that the Attorney General be advised that, after consideration, it is the unanimous view of the Committee that the Statutory Powers Procedure Act should not apply to the Legal Aid legislation. The Committee also recommended that the Attorney General should, however, receive the sub-committee's memorandum dated November 6th, 1972.

The memorandum is before Convocation.

SECTIONS 17 & 19, The Legal Aid Act

SECTIONS 125, 127 The Legal Aid Regulation

At the October meeting, Mrs. A. C. R. Rosenthal, Legal Accounts Officer, requested the guidance of the Committee with respect to the interpretation and application of Sections 17 and 19 of the Legal Aid Act and Sections 125, and 127 of the Legal Aid Regulation.

The Chairman recommended the appointment of a sub-committee to study these matters with the Legal Accounts Officer and to make recommendations.

The following were appointed members of the sub-committee: R. E. Barnes, Q.C. and W. D. Griffiths, Q.C.

The Chairman requested that the sub-committee report to the next meeting of the Committee.

AREA COMMITTEES

Pursuant to Section 4(1) of The Legal Aid Act, the following names are noted as resignations from the York County Area Committee:

L. Guolla, Q.C.
Arthur Maloney, Q.C.
John M. Magwood, Q.C.

APPOINTMENT OF AREA DIRECTOR

ELGIN COUNTY

A. P. Tisdall, Q.C., Area Director for Elgin County, died in August, 1972.

On the unanimous recommendation of the Elgin County Law Association, your Committee approved the appointment of Thomas A. Por, Solicitor, St. Thomas, as Area Director for the County of Elgin.

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED AT 12:30 P.M.

The Treasurer and Benchers were honoured at luncheon by the presence of His Excellency The Right Honourable Roland Michener, C.C., C.M.M., C.D., Governor General of Canada. His Excellency was accompanied by his aide-de-camp, Captain Claude Desautels.

Special guests at luncheon were The Honourable George A. Kerr, Q.C., Provincial Secretary for Justice, and The Honourable John T. Clement, Q.C., Minister of Consumer and Commercial Relations, together with The Honourable F. G. MacKay.

CONVOCATION RESUMED AT 2:30 P.M.

A QUORUM WAS PRESENT

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 9th day of November, 1972 at 9:30 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Bowlby, Cartwright, FitzGerald, Grange, Lochead, Morden, Pallett, Seagram, Strauss, Thom and Wallace.

1. Your Committee was asked by a lawyer whether it would be proper to have his name and picture appear in a monthly pamphlet published by a non-sectarian religious body. The lawyer advised that he acts for this association with respect to giving estate planning advice and drafting trust agreements between donors and the organization. His fees, if any, for this service, are paid directly by the association and not by any individual involved. The Secretary was instructed to advise that in the Committee's opinion the placing of the lawyer's name and photograph in the pamphlet would offend the provisions of Ruling 3 2(b) which reads as follows:

> "TOUTING, ADVERTISING AND SOLICITING
>
> 2. Without limiting the generality of Ruling 1 or the foregoing section of this Ruling, each of the following actions is improper for a member:

(b) to permit his name to appear as solicitor, counsel or Queen's Counsel on any advertising material offering goods (other than securities or legal publications) or services to the public;"

2. Ruling 10 — Signs and Letterheads

Your Committee considered complaints from two lawyers concerning the size and number of signs designating a law office in an area just outside of Toronto. The signs in question were viewed by a member of the Committee who reported that while the letters appear to conform with the provisions of Ruling 10, namely that they not exceed six inches in height, the sign itself was excessively long and therefore was not in good taste. The Secretary was instructed to so advise the law firm.

3. An east end lawyer has been asked by a community service unit in a low income area to set up a legal service facility on a weekly basis. Legal advice and assistance would be provided to residents of that area. It is expected that because of the very nature of the community the lawyer's firm, on a number of occasions, would be providing advice and nominal services on a "no fee" basis. However, the firm's very presence would cause a certain amount of legal business to come their way most of which would be by way of legal aid certificates. In order for the residents to be aware of the lawyer's presence, the service unit proposed to distribute a circular stating that legal assistance would be available at a specific time and specific place.

The lawyer asked whether there is any objection to the foregoing arrangement. After considerable discussion your Committee is of the opinion that the lawyer be advised that this project should be deferred for the time being and suggested that he arrange to have the service unit request the Legal Aid Committee to provide civil duty counsel. In addition, a Sub-Committee will be appointed by the Chairman to consider and report to the January meeting of the Committee on the general question raised by this enquiry.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th day of November, 1972, the following members being present: Messrs. Steele (Chairman), Harris (Vice-Chairman), Grange, Seagram and Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

GIFTS AND DONATIONS

The Honourable Mr. Justice Wilson has donated six bound volumes of the Supreme Court of Cyprus Law Reports, 1965-1967, together with several loose parts of the same for the years 1970 and 1971.

Noted

BOOK LIST

A list of books which have been recently purchased for the Great Library is presented for approval.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANT

The following law association has sent in its annual return. The amount which it should receive under the rules for the year 1972 and the amount received in 1971 are as follows:

	1971	*1972*
Lincoln	$2,000.00	$2,000.00

Approved

REPORTING

ONTARIO MUNICIPAL BOARD DECISIONS

(a) On Friday, October 20, 1972, Convocation adopted your Committee's recommendation that the Society make representations to the Legislative Committee reviewing the Ontario Municipal Board that the Ontario Municipal Board, or some other governmental body, be made responsible for editing and publishing Ontario Municipal Board decisions.

Your Committee wishes to report that these representations have now been made and appear to have been received favourably. The Legislative Committee has indicated that it is prepared to consider making someone or some body responsible for reporting Ontario Municipal Board decisions.

(b) The cost to lawyers to subscribe to the Great Library's card catalogue of Ontario Municipal Board decisions is presently $150.00. This amount represents the cost to the Great Library to prepare the subscription in each case and the Society makes no profit. Several lawyers have indicated that this cost is prohibitive and because of this the Great Library staff has developed a page-index (name and subject), at a cost of less than $75.00. This index would be prepared monthly and consolidated semi-annually and annually. Your Committee recommends that until such time as Ontario Municipal Board decisions are reported formally, the page-index be made available to lawyers and private libraries at an appropriate price not to exceed $75.00. Your Committee recommends that the availability of this page-index be noted in this month's Communiqué and that an advertisement be inserted in an early issue of the Ontario Reports.

DIGEST OF ONTARIO CASE LAW (1823-1900) VOLUMES 1-4

Your Committee considered a request from Butterworths Limited for permission to reprint the above-noted Digest in hardbound form. Your Committee recommends that Butterworths be permitted to do this reprint, subject to a suitable contract being negotiated.

ONTARIO REPORTS

Your Committee had before it a letter from Canada Law Book Limited, the publishers of the Ontario Reports, advising of a reduction in the cost to the Society for the publication of the Ontario Reports.

Mr. Cartwright took no part in the discussion and did not vote.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 9th day of November, 1972, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, FitzGerald, Henderson, Pallett, Steele and Trepanier.

On 17th October 1972, Charles W. Johnson was found guilty of "practising as a barrister and solicitor" and fined $250.00. The evidence showed that Mr. Johnson acted for vendors and purchasers on real estate transactions in the Parry Sound area.

DIVORCE COMPANIES

Proceedings have been instituted against two individuals and a Limited Company. The trial is scheduled for the 16th of November 1972.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, the 9th day of November, 1972, at 12:00 noon, the following members being present: Mr. Henderson, Chairman, and Messrs. Chappell, H. E. Harris, Lochead, Morden, Pattillo and White.

JOINT MEETINGS WITH THE ONTARIO SECTION OF THE CANADIAN BAR ASSOCIATION

The Committee discussed a suggestion which had been made to merge the Public Relations Committee of the Ontario Section of the Canadian Bar Association with the Society's Public Relations Committee. The Committee concluded that it would be preferable for the two organizations to continue their own separate Committees. Each Committee has a separate function to perform. However, in order that there may be cooperation and integration of their activities joint meetings of the Committees should be arranged through the cooperation of the Chairman of the respective Committees.

LEGAL AID LOGO

The Society has adopted and used the logo designed in England to identify the Legal Aid Plan. The Law Society in England has informed us that the creator of the logo owns the copyright in the logo and has asked for £75 for a transfer of the copyright in the logo with respect to Commonwealth countries. The Committee approved the purchase of the copyright from the creator and the expenditure of the £75.

THE REPORT WAS ADOPTED

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Tuesday, the 7th day of November, 1972, at 2:00 p.m., the following members being present: Mr. Sheard, in the Chair, and Messrs. Common and Levinter.

Mr. Arthur Heeney was also present by invitation.

TITLE TO AREAS THAT THE LAW SOCIETY WILL OCCUPY

At its meeting on 27th January, 1972, Mr. Howard, the Committee's Counsel in this matter referred to the areas which the Society does not own but occupies or will occupy as a result of the exchange of areas with the Provincial Government. Mr. Howard gave it as his opinion that the best arrangement would be for the Society to hold in fee simple all the property it is to occupy in Osgoode Hall, giving easements as may be necessary to provide the Government with access to machinery belonging to it and for fire exits or otherwise as may be required. The Committee agreed with Mr. Howard's opinion and authorized him to approach, Mr. Creba of the Ministry of Government Services on an informal basis.

Mr. Howard met Mr. Creba who had thought that the matter would be handled by way of lease but was anxious that in any event the documentation be simple. Accordingly, Mr. Howard asked one of his partners, Mr. Arthur Davies, to prepare a draft deed between the Crown and the Law Society based on plans of the building prepared by the Government architects. The scheme of the deed is to have the rights and obligations created by the 19th century documents and orders-in-council terminated by mutual quit claims and releases. There follows a grant to the Law Society of the areas in the building which it does not now own but is to occupy and all new rights-of-way and also a grant to the Crown of rights-of-way in its favour. A copy of the draft deed was before your Committee.

Your Committee recommends that Mr. Howard be asked to proceed to obtain approval through Mr. Creba of a form of conveyance that he can recommend to the Society.

RENOVATIONS — COST

In May 1972 Mr. Creba of the Ministry of Government Services wrote the Society respecting the Society's share of the cost of renovations in Osgoode Hall and was advised that the information he gave in his letter would be placed before the Building Committee. A further letter was received from Mr. Creba in October. This correspondence was before your Committee.

Your Committee recommends that subject to the approval of Convocation, the Treasurer reply to Mr. Creba's letter of 17th October, 1972, informing him that subject to conveyance to the Society of the property to be occupied by it, the Society agrees to pay the amounts referred to in his letter of 4th May, 1972.

MAINTENANCE SERVICES — DIVISION OF COSTS

D. G. Wells, Director of the Property Management Branch of the Ministry of Government Services, wrote the Society giving estimates of the maintenance costs to be shared by the Society relating to the new division of the occupancy of the building. Mr. Wells' letter of 25th October, 1972, was before your Committee.

Your Committee recommends that the matter stand pending receipt of further information from Mr. Heeney.

CONTINUING EDUCATION SEMINAR AND MEETING ROOM

Your Committee had before it the following item from the Report of the Legal Education Committee of 12th October, 1972:

> "5. Continuing Education Seminar and Meeting Room: Two days a week have been scheduled on a fairly regular basis for seminars in our Continuing Education Series which will take place in Room 233 on the second floor of the Education Wing. This room and the small adjoining study room used in conjunction with it, should be decorated with carpets and drapes. An estimate from the Society's interior decorator has been obtained for completion of the work.
>
> Your Committee recommends the matter be referred to the Building Committee."

Mr. Jackson, the Society's interior decorator, was asked to obtain the estimates and to supervise the decoration if it is to be done. Mr. Jackson's letter and estimates from Thornton-Smith were also before your Committee.

Your Committee recommends that the Director of the Bar Admission Course be asked to discuss the matter with the Committee.

MUNIMENTS AND MEMORABILIA — SPACE

The Muniments and Memorabilia Committee have for some time been seeking suitable space to exhibit the Society's growing collection of memorabilia. Mr. Heeney was asked to advise on the matter and he has produced a plan of the area to the east of the kitchen which serves Convocation Hall. His proposal was discussed by the Special Committee on Muniments and Memorabilia and Rooms 1, 2 and 3 shown on the Plan dated 6th July, 1972, were approved but the over-all Plan was referred to the Building Committee for its consideration. The Plan includes a proposal for extending the kitchen facilities and for providing at least on a temporary basis a private dining room.

Your Committee had before it the Report of the Special

Committee on Muniments and Memorabilia dated 18th August, 1972, and Mr. Heeney's Plan dated 6th July, 1972.

Your Committee recommends that Mr. Heeney's proposal be approved.

THE REPORT WAS ADOPTED

CANADIAN NATIONAL EXHIBITION ASSOCIATION

MOVED by Mr. Sheard, seconded by Mr. Thom, that Mr. W. B. Common, Q.C., be appointed the Society's representative to the Canadian National Exhibition Association for the ensuing year.

Carried

CONVOCATION THEN ROSE AT 2:50 P.M.

Read in Convocation and confirmed this 19th day of January, 1973.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 19th January, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Cartwright, Cass, Chappel, Common, Cooper, Cory, Dubin, Evans, Fennell, Finlayson, Goodman, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Krever, Levinter, Lochead, Maloney, Morden, MacKinnon, O'Brien, Pattillo, Seagram, Sheard, Sopha, Strauss, Thom, Trepanier, Wallace, White and Zahoruk.

Mr. Robert J. Faulkner and Mr. Patrick O'Keeffe, lay members of the Law Society Council, attended at the Treasurer's invitation.

The Minutes of Convocation of 10th October, 1972, and 17th November, 1972, were read and confirmed.

SPECIAL COMMITTEE ON LEGAL EDUCATION

It was moved by Mr. Finlayson, seconded by Mr. Thom, that a special meeting of Benchers with representatives of the County and District Law Associations and such others as the Treasurer may decide be convened to discuss the Report of the Special Committee on Legal Education. This was *carried.*

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 11th January, 1973 at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Borins, Cass, Cory, Grange, Gray, Griffiths, Krever, Maloney, Morden, Pattillo, Sheard, and Thom.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Bar Admission Course Faculty Appointments:

The following appointments to the Bar Admission Course

Faculty for the 14th Teaching Term are recommended for the approval of your Committee:

(a) *Corporate and Commercial Law*

J. D. Ground, Q.C., to continue as Head of the Section and Mr. J. G. Coleman to continue as Assistant Head of the Section, and the following instructors to either continue or be appointed:

Mr. D. R. Brown (new), Mr. A. L. Cader, Mr. Donald Cameron, Mr. P. A. Carroll, Mr. R. W. Comish, Mr. P. J. Dey (new), Mr. H. G. Emerson (new), Mr. J. M. Farley, Mr. Sam Filer, Mr. S. J. Godfrey, Mr. D. H. Gordon, Mr. P. R. Hayden, Mr. L. D. Hebb, Mr. Allen Karp, Mr. J. T. Kennish, Mr. R. H. Krempulec, Mr. C. T. Loughrin, Mr D. C. Matheson, Mr. J. C. McCartney, Mr. P. M. Moore (new), Mr. A. W. Oughtred, Mr. J. J. Pink (new), Mr. R. W. Posluns (new), Mr. J. M. Robinson, Mr. C. R. B. Salter, Mr. S. B. Scott (new), Mr. S. M. Sigel, Mr. E. A. Tory (new), Mr. T. N. Unwin (new), Mr. Lorie Waisberg (new), Mr. J. F. T. Warren (new), Mr. D. G. Waugh, Mr. G. A. Wilson, Mr. L. A. Wright (new).

(b) *Family Law*

J. C. MacDonald, Q.C., to continue as Head of the Section and the following instructors to either continue or be appointed:

Mr. D. S. Affleck (new), Mr. T. G. Bastedo (new), Mr. G. W. Brigden, Mr. D. J. Catalona, Q.C, Mr. A. S. Cooper (new), Miss Rodica David (new), Mr. H. H. Elliott, Q.C. (new), Mr. L. K. Ferrier, Mr. F. G. Gans, Mr. P. Gravely, Mr. J. R. R. Jennings, Mr. P. R. Jewell (new), Mr. G. P. Johnston (new), Mr. J. D. Karswick, Mrs. Gloria R. Klowak (new), Mr. M. C. Kronby, Mr. B. Laker, Q.C., Mr. M. D. Lipton, Mr. D. H. Lissaman, Q.C., Mr. H. R. Locke (new), Mr. D. R. Main (new), Mr. C. C. Mark, Mr. C. S. Martin (new), Mrs. P. D. C. McTavish, Mr. R. M. Nelson (new), Mr. R. A. O'Donnell (new), Mr. A. F. N. Poole (new), Mr. R. Richman, Mr. G. K. Selzer, Mr. J. D. Sheard, Q.C., Mr. S. B. Smart (new), Mr. H. D. Stewart, Mr. G. T. Walsh, Q.C., Mr. T. C. Warne (new), Mr. H. D. Wilkins.

(c) *Creditors' Rights and Bankruptcy*

D. N. Macklem, Q.C., to continue as Head of the Section and Mr. D. E. Baird to continue as Assistant Head of the Section, and the following instructors to either continue or be appointed:

Mr. D. R. Anger, Mr. Murray Armel (new), Mr. D. E. Baird, Mr. Frank Bennett (new), Mr. D. I. Bristow, Q.C., Mr. T. E. Brooks (new), Mr. D. J. Brown, Mr. George Cihra, Mr. I. D. Cochrane, Q.C., Mr. G. J. Cooper (new), Mr. L. S. Crackower, Mr. J. Dimoff, Mr. Terry Dolan (new), Mr. N. A. Endicott, Mr. G. I. Ferguson, Mr. J. M. Ferron, Q.C., Mr. Gerald Gold, Mr. Morton Greenglass (new), Mr. J. S. Herron, Mr. A. O. Jacques (new), Mr. B. J. Kamin, Mr. R. G. Marantz, Mr. T. C. Marshall (new), Mr. W. A. McTavish, Mr. W. J. Meyer, Mr. A. Milrad, Mr. Stanley Naftolin, Mr. M. D. O'Reilly, Mr. J. M. Rosen, Mr. M. Shafir, Mr. W. G. J. Swybrous (new), Mr. M. M. Steidman, Mr. Robin Walter, Mr. D. A. Wetmore, Mr. L. E. Wratten, Q.C.

Extraordinary student discount for "The Income Tax Law of Canada" by Arthur R. A. Scace: At the request of the author, we have considered whether copies of this text should be made available to undergraduate students in law schools at one-half of the established price of $25.00. The usual discount offered to students, which is applied according to a policy adopted by Convocation, is 20%.

We recommend a discount of 50% from the established price on the following terms:

(a) The discount would apply only to bulk sales;

(b) The order must be placed by a law school professor or his law school; and

(c) The books must be used in the teaching of law students.

It is felt that, if necessary, the large discount could be confined to this individual item on the grounds that

(a) the request arises because the author teaches at a law school and wishes to use the text in his class;

(b) a second edition is contemplated for release in October 1973 that would make the present volume obsolete and therefore, the discount would be short-lived;

(c) the discount was made after the first printing of 2,000 copies had been sold.

We respectfully request instructions from your Committee to offer "*The Income Tax Law of Canada*" at a student discount of 50% on the terms proposed above.

Approved

Proposal for Hard-cover Publication of "Accounting in a Law Office" by Kenneth H. C. Laundy, F.C.A.: It is recommended that the Law Society publish in hard-cover, through the Department of Continuing Education, a hard-cover reference book on the subject of accounting based on lectures delivered by Mr. Kenneth Laundy in the Bar Admission Course. Mr. Laundy has had his draft manuscript reviewed and edited by Messrs. Robert Anderson and Thomas Stephany of the Law Society to ensure that it includes up-to-date and proper treatment of the Society's rules with respect to accounts. A statement showing a breakdown of the publication costs will be distributed at your meeting.

Approved

SPECIAL PETITIONS

Your Committee considered and approved two petitions requesting permission to defer for one year entering the teaching period of the Bar Admission Course.

Part II — Information Items

Regional Calls to the Bar: Since the beginning of the teaching term, consideration has been given to a suggestion made at the Call to the Bar ceremonies last year that "regional" Calls be held this year in addition to the cermonies in Toronto. Following discussion of this proposal with the Committee of Students, a questionnaire was distributed to all students asking them

1. if they wished to be called in Toronto or outside Toronto;
2. which ceremony they would elect to attend if it were possible to arrange for ceremonies in Toronto, London, Windsor, Kingston, Ottawa, Sudbury, Sault Ste. Marie and Thunder Bay.

The questionnaire was completed by 358 students, 13 of whom completed Question 1 only. Since decentralization of the ceremonies did not receive substantial support, we gave further consideration to the possibility of calling all successful students on one day at the O'Keefe Centre, and concluded that this is what should be done. The seating capacity is sufficient to enable each student to take three guests to the auditorium. However, the areas available for holding a reception present an accommodation problem. It may be possible to crowd all of the guests in the O'Keefe Lounge again this year, but we are also exploring alternative arrangements for holding the reception part of the event at the Royal York Hotel. The four ballrooms at this hotel can together accommodate 2,200 persons which would be adequate and provide an increase of about 600 persons over the number which can be accommodated in the O'Keefe Lounge. If further enquiries convince us that the crowding of a reception at the O'Keefe Centre would be uncomfortable, we will recommend specific alternate arrangements for approval at the next meeting of your Committee.

Bursaries: A total of 33 bursaries of $150 and 3 of $110 each have been awarded to students in the Bar Admission Course. These awards have been made out of monies received from the Law Society Foundation, The Lawyers Club and the Robert James McLaughlin Bursary.

Graduate Placement Service: There has been an increase in the number of positions registered with our Placement Service over the number registered in January 1972 and we hope that this state of affairs will continue since there are still at least 150 students seeking employment on graduation. At present 28 Toronto firms have registered their vacancies, 13 of which have been filled. We have filled 8 out of 40 available positions with out-of-town firms.

Regional Presentations of Continuing Education Programmes: On November 11th, 1972 Mr. Robert A. Jarman instructed a group of 21 members of the Essex County Law Association in Estate Planning. The Programme was held at the University of Windsor, Faculty of Law with the assistance of Professor Ronald Ianni. Mr. Gordon S. Macdonald, Q.C., also conducted a regional seminar on the subject of Estate Planning. His Programme attracted 23 members of the Waterloo County Law Association on December 1st, 1972 in Kitchener. The Department has received numerous expressions of appreciation in connection with both seminars.

Further regional seminars on the subject of Estate Planning will be held in Barrie on January 12th, 1973, in St. Thomas on February 3rd, 1973, and in Peterborough on February 17th, 1973. A seminar on the subject of Party and Party Costs will be conducted in London on January 26th, 1973 and the local Registrar will participate in an afternoon panel discussion.

The Department of Continuing Education has recently communicated with all County Law Associations inviting them to request the presentation of one or both of two new seminars; first, a presentation on the subject of The Incorporation and Winding-up of a Business, a programme derived from the series of illustrated lectures presented at Osgoode Hall on December 9th, 1972; and, secondly, a presentation on the subject of Family Law based on the Continuing Education Programme conducted on November 18th and November 25th, 1972 dealing with interim custody and alimony, negotiating separation agreements, matrimonial property and orders for financial support.

Library Projects: In collaboration with the Great Library our Department will publish for the Law Society two subscription services prepared in the Library. The first service relates to the publishing of a monthly issue and annual consolidation on the Ontario Municipal Board Decisions at a subscription rate of $45 a year. The second service is the publishing of monthly summaries of unreported reasons for judgment delivered by the Court of Appeal which will be made available at a subscription rate of $30 a year.

Royalties from Text in 1972 March Special Lecture Series: Arrangements were concluded last year with Richard DeBoo Limited whereby free books and royalties would be delivered and paid to the Law Society. The text was first available for ordering on the 1st of August, 1972. We are advised that in the period ending the 31st of December, approximately 1,750 copies were sold at $21.50 yielding a royalty (10%) of about $3,000. In addition, 800 books were furnished without cost to the registrants and to the Great Library. A further 75 calf-bound copies have been made available for distribution to the lecturers and other persons who should be recognized.

The royalties will be paid at the end of February and the end of August in each year, and it is expected there will be a total of 7,000 copies over 10 years.

We are presently considering whether similar or new arrangements should be made with Richard DeBoo Limited for publication of the text of the 1973 Special Lecture Series, or whether the Society should arrange to publish the text on its own.

The March Special Lecture Series 1973: New Developments in the Law of Torts: The Department is currently receiving from the lecturers in this year's series the first draft of their intended lecture. These drafts are being reviewed by the planning committee and will be considered prior to the writing of the final draft in each case. For the purpose of reference, a complete list of the speakers and their topics is provided:

The Hon. Mr. Justice E. L. Haines: Collateral Benefits in Damage Actions.

Professor John G. Fleming: Recovery for Nonmaterial Losses.

James J. Carthy, Q.C.: Civil Conspiracy.

Marvin A. Catzman, Barrister: Exemplary Damages — The Decline, Fall and Resurrection of Rooks v. Barnard.

Sydney Goldenberg, Barrister: Tort Liability of Government Officials.

William E. Horkins, Q.C.: False Arrest Today.

William L. Hoyt, Q.C.: Professional Negligence.

Professor Terence G. Ison: Torts in Context.

Professor A. M. Linden: Foreseeability.

B. C. MacDonald, Barrister: Wrongful Dismissal: Tortious Breach of Contract?

Dean John P. S. McLaren: Torts and Pollution.

William R. Maxwell, Barrister: Rescuer and Victim in Tort Law.

Henry L. Molot, Barrister: Tort Remedies against Administrative Tribunals for Economic Loss.

Barry A. Percival, Barrister: Recent Trends in the Law of Occupier's Liability.

Hugh Rowan, Q.C.: Is there a Right to Privacy?

David W. Scott, Barrister: Directors' Liability (Contractual Aspects).

Reno A. Stradiotto, Barrister: Products Liability in Tort.

Professor John Swan: New Principles in the Conflict of Law in Torts.

Professor Stephen Waddams: Products Liability.

Advance Registration for Continuing Education Programmes: Registration for pending programmes received up to the 5th of January are as follows:

Name of Programme	*Date of Programme*	*Advance Registration*
Estate Planning & Administration		
(Barrie)	12.1.73	24
(Peterborough)	12.2.73	21
(St. Thomas)	3.2.73	10
Party & Party Costs		
(London)	26.1.73	0
(Toronto) Date in February to be announced		
Income Tax: The Incorporation and Winding-up of Companies	20.1.73	260
Consumer Protection	10.2.73	170
The March Special Lecture Series: New Development in the Law of Torts	2 & 3.3.73 and 9 & 10.3.73	

Labour Law: Arbitration and Collective Bargaining	27 & 28.4.73	28

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 11th day of January, 1973, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Borins, Cooper, Grange, Pattillo, Seagram, Sheard and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Fourteen candidates, having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972. Thirteen were admitted under Regulation 26(5) and one, a United Kingdom solicitor, was admitted under Regulation 5(1).

COMMONWEALTH TRANSFER

Your Committee considered applications from two solicitors from Uganda who sought permission to proceed under Regulation 7.

Your Committee also considered a proposal formulated by a Special Committee of the Middlesex Law Association and the Dean of Law at the University of Western Ontario, whereby the two solicitors would attend at the University of Western Ontario from January to August, 1973, to take a special course of study designed by the Faculty of Law to instruct them in those areas of Canadian and Ontario Law which vary or amend those Common Law principles with which they are familiar, and on completion of the course they would write the comprehensive examination required by Regulation 7, and if successful be permitted to enter the Bar Admission Course in September 1973.

Your Committee recommends that upon filing with the Society Certificates from the Dean of the Faculty of Law of the University of Western Ontario that their educational attainments are equal to graduation from a law course in a university in Canada which is approved by Convocation, these solicitors be allowed to proceed under Regulation 7.

Applications from two solicitors from India who sought to proceed under Regulation 7 were approved by the Committee.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the Deans of the relevant law schools.

Scott Ian Bushnell: B.Sc. University of Toronto 1962; LL.B. Dalhousie University 1969; LL.M. York University 1970.

Approved

Irwin Cotler: B.A. McGill University 1961; B.C.L. McGill University 1964; LL.M. Yale Law School 1966.

Refused

Peter Wardell Hogg: LL.B. Victoria University of Wellington, New Zealand; LL.M. Harvard Law School 1963; Ph.D. Monash University, Melbourne, Australia, 1970; Barrister and Solicitor of the Supreme Court of New Zealand 1962; Barrister and Solicitor of the Supreme Court of Victoria, Australia, 1968.

Approved

Denis Norman Magnusson: B.Com. University of Manitoba 1965; LL.B. Queen's University 1968; LL.M. University of Michigan 1970.

Approved subject to confirmation that he continues to be a full-time member of the Faculty of Law of an approved University in Ontario.

SPECIAL PETITIONS

The Committee considered two petitions for permission to enter the teaching portion of the Bar Admission Course in September 1973 without serving the term under articles. Each petitioner submitted details of employment and requested that such employment be accepted as compliance with the articling requirements. Both petitions were refused.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in January 1973 is before the Committee. Two candidates sat the examination. One candidate passed and one candidate failed.

Received

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Wednesday, the 29th day of November, 1972, at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Cartwright, Levinter, Pallett, Pattillo, Sheard and Steele.

Messrs. David Yule and Koji Nakai of Clarkson, Gordon and Company were present at the Chairman's request.

ANNUAL FINANCIAL STATEMENT, 1971-72

Your Committee had before it a draft Financial Statement for the year ended 31st August, 1972, as prepared by the Auditors, Clarkson, Gordon and Company.

Your Committee recommends to Convocation that the Financial Statement for the year ended 31st August, 1972, be approved.

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee dated 11th January, 1973:

Your Committee met on Thursday, the 11th day of January, 1973, at 3:30 p.m., the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Fennell, MacKinnon, Pallett, Pattillo, Thom, Trepanier and Zahoruk.

ACCOUNTS

The Secretary reported that from 1st December, 1972 to 31st December, 1972, accounts (including Library Accounts), properly approved, to the amount of $238,807.46 have been paid.

Approved

FINANCIAL STATEMENT, 1st September 1972 to 31st December 1972

The Secretary laid before the Committee a statement of receipts and disbursements for the period 1st September, 1972 to 31st December, 1972.

Approved

ROLLS AND RECORDS

The Secretary reported:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society is in abeyance, effective the date of their appointment:

Peter Dean Hamlyn, Orangeville	Called — 20 March 1969 Appointed Provincial Judge, Family Division, County of Ottawa-Carleton — 2 January 1973
Donald Robert Inch, Barrie	Called — 16 September 1954 Appointed Provincial Judge, Criminal Division, County of Simcoe — 2 January 1973
Jean-Paul Michel, Ottawa	Called — 19 April 1963 Appointed Provincial Judge, Family Division, County of Ottawa-Carleton — 1 February 1973

Noted

Deaths

Gilbert A. J. Wilson, Vancouver, B.C.	Called—17 September 1931 Deceased—23 August 1972
Robert Burdette Burgess, Q.C., Toronto	Called—21 September 1933 Deceased—17 September 1972
Frederick Ignatius Malone, Q.C., Toronto	Called—18 November 1926 Deceased—11 November 1972
Donald Arthur Flock, Windsor	Called—29 June 1949 Deceased—December 1972
The Hon. George Alexander Drew, P.C., C.C., C.D., Q.C., LL.D., (Honorary Life Member), Toronto	Called—17 June 1920 Deceased—4 January 1973
Stuart Hall Brown, Q.C., (Honorary Life Member), Toronto	Called—22 May 1919 Deceased—5 January 1973
Arthur Howard Clair Bruce, Q.C. (Life Member), Toronto	Called—16 June 1922 Deceased—9 January 1973

Noted

MEMBERSHIP UNDER RULE 50

The following members who are sixty-five years of age or over and who are fully retired apply to continue their membership in the Society at a reduced annual fee of $25.00:

Robert Baldwin Fordyce Barr, Q.C., Toronto
Hubert Page Beale, Athens
William Eli Bird, Q.C., Hamilton
Harold Lally Daufman, Q.C., Laguna Hills, California, U.S.A.
Wilfrid Orlando Davis, Q.C., Ottawa
John Newton Herapath, Q.C., Scarborough
Martin MacMurray Kelso, Q.C., Toronto
Thomas Douglas McMillan Latta, Toronto
Leo Joseph Leavey, St. Catharines
Thomas Mackie, Toronto
Mrs. Beatrice E. Mathews, Q.C., Toronto
John Westman Millar, Q.C., Toronto
William Hugh Mowat, Vancouver, B.C.
Miss Helen Mary McTague, Q.C., Guelph
Douglas Ross Nairn, Goderich
Wallace Rankine Nesbitt, Toronto
James Arthur Wright, Montreal, Quebec

Approved

APPLICATIONS UNDER RULE 50
REFUND OF ANNUAL FEES, 1972-73

Louis Joseph Brody, Q.C., of Windsor submits his application to continue his membership in the Society at a reduced annual fee of $25. Mr. Brody is over the age of sixty-five years and fully retired.

Your Committee recommends that Mr. Brody's application be approved and that a refund of $125.00 be made to him.

RESIGNATION

Donald John Livingston, Q.C., of Forest applies for permission to resign his membership in the Society and submits his Declaration in support and proof of publication of Notice in the Ontario Reports dated 24th November 1972.

Approved

REINSTATEMENT

At its November meeting your Committee had before it a letter from *Reginald S. W. Fordham, Q.C.*, of Ottawa requesting further consideration of his application for reinstatement. Convocation approved your Committee's recommendation that the matter be referred to The Right Hon. John R. Cartwright for opinion.

Counsel's opinion was before your Committee at its January meeting and indicates that in his view Mr. Fordham qualifies for restoration of his membership pursuant to Section 31 of The Law Society Act, 1970.

Your Committee recommends that counsel's opinion be accepted and that Mr. Fordham's membership be restored accordingly. Your Committee further recommends that Mr. Fordham, having qualified under Rule 49 as a life member, be give life membership in the Society.

CHANGE OF NAME

Corine Robertshaw Parkin appears on the Rolls of the Society under the surname "Parkin", being her married name. She asks that her name be changed on the Rolls to "*Robertshaw*", her maiden name. Her petition was before the Committee.

Approved

OSGOODE HALL STUDENT LOAN FUND

On 20th February 1959 Convocation approved the recommendation of the Legal Education Committee, with the approval of the Finance Committee, that a fund be set up to provide for loans to students not covered by Provincial Student Aid Loans and at the same time approved the regulations therefor. Amounts totalling $16,000.00 were transferred from the Society's General Account to the Society's Trust Account. The balance now on hand in the Trust Account for this purpose is $16,449.92. Nine loans totalling $3,200.00 are outstanding. One loan in the amount of $500.00 is payable by a solicitor who has been disbarred. No loans have been made from this fund since April 1968.

The Committee had before it a copy of the regulations and a list of the oustanding loans.

Permission was requested to transfer the balance of $16,449.92. and the oustanding accounts back to the Society's General Fund.

Approved

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

Compensation Fund Summaries

Mr. Thom presented three Reports of the Compensation Fund for the periods ending 31st October, 30th November and 31st December, 1972, respectively:

Compensation Fund

For the period 1st September, 1972 to 31st October, 1972

	Month of October, 1972	*2 months ending 31st October, 1972*		
Balance on Hand, 31st August, 1972				$1,450,458.76
Receipts				
Fees	$ 30.00		$ 305.00	
Investment Income				
Gov. of Canada	15,625.00	$16,750.00		
Guar. Deposit Interest	5,503.92	6,706.00		
Bank Interest	2.30	2.30	23,458.30	
Recoveries				
Shuttleworth	—	240.00		
Godo	100.00	200.00	440.00	24,203.30
	$21,261.22			$1,474,662.06
Disbursements				
Counsel Fees, Reporters, etc.	30.00			774.50
Balance on Hand, 31st October, 1972	$21,231.22	Balance 31/10/72		$1,473,887.56

Resumé of Gross Claims Outstanding

Claims received and not processed as of 30th September, 1972	$2,096,469.44
Received during month of October	1,402.50
	$2,097,871.94
Dismissed, withdrawn or written off during month of October	26,000.00
Settled by payments in whole or in part	—
*Claims received and not processed as of 31st October, 1972	$2,071,871.94

*Blotti —	$ 323,417.34
Caplan —	1,051,276.12
Harris —	519,749.90
	$1,894,443.36

TOTAL PAID to 31st October, 1972 on account of 824 claims in respect of 84 former solicitors	$2,578,621.88

THE REPORT WAS RECEIVED

COMPENSATION FUND

For the period 1st September, 1972 to 30th November, 1972

	Month of November, 1972	*3 months ending 30th November, 1972*		
Balance on Hand, 31st August, 1972				$1,450,458.76
Receipts				
Fees	$112,890.00		$113,195.00	
Investment Income				
Gov. of Canada	—	$16,750.00		
Guar. Deposit Interest	3,883.77	10,589.77		
Bank Interest	—	2.30	27,342.07	
Recoveries				
Shuttleworth	—	240.00		
Godo	120.00	320.00	560.00	141,097.07
	$116,893.77			$1,591,555.83
Disbursements				
Counsel Fees, Reporters, etc.	440.00			1,214.50
Balance on Hand, 30th November, 1972	$116,453.77	Balance 30/11/72		$1,590,341.33

Resumé of Gross Claims Outstanding

Claims received and not processed as of 30 October, 1972	$2,071.871.94
Received during month of November	40,214.10
*Claims received and not processed as of 30th November, 1972	$2,112,086.04

*Blotti — $ 323,417.34
Caplan — 1,051,276.12
Harris — 519,749.90
$1,894,443.36

TOTAL PAID to 30th November, 1972 on account of 824 claims in respect of 84 former solicitors	$2,578,621.88

THE REPORT WAS RECEIVED

COMPENSATION FUND

For the period 1st September, 1972 to 31st December, 1972

	Month of December, 1972	*4 months ending 31st December, 1972*		
Balance on Hand, 31st August, 1972				$1,450,458.76
Receipts				
Fees	$69,750.00		$182,945.00	
Investment Income				
Gov. of Canada	—	$16,750.00		
Guar. Deposit Interest	—	10,589.77		
Bank Interest	—	2.30	27,342.07	
Recoveries				
Godo	100.00	420.00		
N. Picnick	733.45	733.45		
Shuttleworth	—	240.00	1,393.45	211,680.52
	$70,583.45			$1,662,139.28
Disbursements				
Counsel Fees, Reporters, etc.	751.60		1,966.10	
Annual Fee Refund	30.00		30.00	1,996.10
Balance on Hand, 31st December, 1972	$69,801.85		Balance 31/12/72	$1,660,143.18

Resumé of Gross Claims Outstanding

Claims received and not processed as of 30th November, 1972	$2,112,086.04
Received during month of December	—
*Claims received and not processed as of 31st December, 1972	$2,112,086.04

*Blotti	— $ 323,417.34
Caplan	— 1,051,276.12
Harris	— 519,749.90
	$1,894,443.36

TOTAL PAID to 31st December, 1972 on account of 824 claims in respect of 84 former solicitors	$2,578,621.88

THE REPORT WAS RECEIVED

GENERAL

Mr. Thom presented the General Report of the Discipline Committee:

Your Committee met on the 11th day of January, 1973 at 10:30 o'clock in the forenoon, the following members being present: Mr. Stuart Thom, Chairman, Mr. G. E. Beament, Vice-Chairman, and Messrs. Cass, Chappell, Common, Cooper, Cory, Evans, Grange, Griffiths, H. E. Harris, Krevor, MacKinnon, Morden, Pallett, Pattillo, Seagram, Strauss Trepanier and Wallace.

1. At its October 1972 meeting, the Committee appointed a Sub-Committee under the chairmanship of Mr. Hyliard Chappel and composed of Messrs. Levinter and White to enquire into the feasibility of forming a new Special Committee of Convocation that would consider disputes between solicitors and between solicitors and their clients that did not call for disciplinary action. Your Committee has now received the Sub-Committee's Report which is attached hereto. Your Committee has adopted this Report and recommends its implementation.

2. A Sub-Committee composed of Messrs. Cass, Chappell and Grange has been appointed to enquire into the matter of the collection of expenses incurred by the Society and ordered to be paid by solicitors who have been subjected to disciplinary action.

Report of the sub-committee to consider disputes involving solicitors where the complaints appear to be non-disciplinary in nature

We considered Mr. Thom's memo which was attached to the October agenda. We agree with his observations and in this report extend his recommendations. (*Mr. Thom's memo follows this report.*)

We should set up a new standing committee, to deal with complaints by one lawyer against another or by a client against a lawyer which are not disciplinary matters but require some respected mediation to solve the problem or at least prevent it from worsening.

We propose that this new committee be called "The Public Professional Relations Committee". We considered and rejected the use of a name such as "Conduct Review" because of the implication of misbehaviour.

We suggest that the membership consist of all former treasurers (hopefully one of them to attend and preside at each meeting), all ex officio benchers and any other benchers that the treasurer may designate. In certain cases younger benchers might be appropriate.

References to the committee would be from the secretariat or the Chairman of the Discipline Committee, of complaints which appeared to be non-disciplinary in nature. The new committee would invite solicitors who have complained of another solicitor and the solicitors complained of and any solicitor complained of by a client.

As to Procedure: We suggest informality, an atmosphere of fellowship where the complaining lawyer and the one complained of can meet and discuss their differences in the presence of respected fellow lawyers who are obviously trying to help.

Attendance would not be compulsory. Invitation would be by telephone or letter. To avoid rejection of the offer of this service by some solicitors, possibly those who need it the most, a second invitation should probably be sent by letter signed by the chairman of the committee. One member of this sub-committee, Mr. White, felt we should go a little further and imply that an unanswered complaint to this committee could be referred to the Discipline Committee.

We envisage that the committee would sit one day a month with appointments to avoid the atmosphere of a court.

Dated at Toronto this 10th day of January, 1973.

The Committee: H. G. Chappell, Q.C., Chairman; Isadore Levinter, Q.C.; J. G. White, Q.C.

Memorandum:

PROPOSAL FOR A MEDIATION COMMITTEE

It happens quite frequently in the work of the Discipline Committee that complaints are received from solicitors about the behaviour of another solicitor. More often than enough both the solicitors are behaving in a petty and needlessly contentious way. Their behaviour must be written off as one of the occupational hazards of being a lawyer. Usually, the interests of the client are not involved or, if so, only incidentally. In the cases with which the Committee has had experience over the past year there has been nothing in the behaviour of the solicitors which would provide a basis for a complaint of professional misconduct.

Somewhat along the same lines, citizens write in with complaints about the behaviour of a solicitor usually resulting from a lack of judgment on the part of the solicitor rather than negligence or outright misconduct. Again, there is no basis for complaint even of such a minor nature as to lead only to an Invitation to Attend.

These affairs do, however, take up the time of the secretariat and they also reflect adversely on the attitude the public takes towards the legal profession. The public in these circumstances is the client whose solicitor is involved in a squabble with another solicitor.

The Society as represented by the secretaries engaged in discipline matters should not turn its back on these complaints. The question is what to do about them. What one feels like doing is to write to those involved suggesting that they stop behaving in a childish manner. Whatever virtue there might be to such a course of action, it is not something which a secretary should be asked to undertake and it is certainly not something that the Chairman of the Committee or any individual bencher personally should take the responsibility for. The suggestion now advanced is that consideration be given to setting up a special committee which might be called the Mediation Committee comprised of senior benchers in the ex officio group. These eminent gentlement combine experience, status and detachment in nice proportions and words of reprimand or admonition would have undoubted effect. The thought is this Committee might meet monthly at a fixed time to hear whatever matters were then current for its consideration. When intraprofessional disputes arise which do not call for disciplinary action the antagonists would simply be told that the matter has been referred to the Committee which will hear them or either of them if they care to attend at the stipulated time and place. The mere fact that there is such an arrangement might cool out a number of friction spots without any further attention being given to them. If one or both appear, the Committee would roll out a little Jovian thunder and provide that element of common sense and experience which the solicitor has shown himself unable to bring to bear with a fellow solicitor or with his client.

Every effort would be made to keep the proceedings of the Committeee as informal as possible. It is not desired that there should be an excessive burden on the time of the benchers who would participate nor should an appearance before the Committee be in the nature of a formal disciplinary proceeding which would be reflected in the member's personal file maintained by the Society.

THE REPORT WAS ADOPTED

RE: LORENZO JOSE ANDRES GIRONES, TORONTO

Those Benchers who sat on the Committee hearing the matter absented themselves from Convocation and did not take any part in the proceedings and did not vote.

The reporter was sworn. The solicitor attended with his counsel, Mr. W. J. Smith, Q.C. Mr. Claude R. Thomson attended for the Society. Mr. Smith agreed to dispense with an oral reading of the Decision of the Discipline Committee. Convocation adjourned to give members an opportunity to read the Decision.

The solicitor was found to be guilty of professional misconduct in that he submitted certificates to the Legal Accounts Officer of the Legal Aid Plan which misstated times spent interviewing Legal Aid clients and in travelling to and from such interviews. The Decision of the Discipline Committee was lengthy and detailed and contained a precis of the evidence upon which the Committee's findings were based.

Mr. Smith made submissions on behalf of the solicitor and Mr. Thompson for the Society.

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:45 P.M.

AT 2:30 P.M. CONVOCATION RESUMED, THE FOLLOWING MEMBERS BEING PRESENT:

> The Treasurer and Messrs. Beament, Bowlby, Cass, Common, Cooper, Cory, Fennell, Finlayson, Grange, Gray, Griffiths, Henderson, Krever, Levinter, Lochead, Maloney, Morden, MacKinnon, O'Brien, Pattillo, Seagram, Sheard, Sopha, Thom, Trepanier, Wallace, White and Zahoruk, and Messrs. Faulkner and O'Keeffe.

Messrs. Bowlby and Henderson who were not present in Convocation throught the disciplinary matter respecting Solicitor Girones took no part and did not vote.

It was moved and seconded that the Decision of the Discipline Committee be accepted. This was *carried.*

It was moved and seconded that the solicitor be suspended from practice for three months and required to pay $875, being approximately half of the costs of the Society's investigation. It was further moved and seconded that the solicitor be reprimanded in Convocation and required to pay $875, being approximately half of the costs of the Society's investigation. It was also moved and seconded that the solicitor be reprimanded in Convocation and required to pay the full costs of the Society's investigation, being approximately $1,750.

The reporter returned. The solicitor and both counsel re-attending before Convocationand were advised that the Decision of the Discipline Committee had been accepted. They were also advised of the motions respecting penalty which had been made but not yet discussed. Mr. Smith made submissions respecting penalty. The solicitor, both counsel and the reporter retired.

The motion that the solicitor be reprimanded in Convocation and required to pay $875.00, being approximately half of the costs of the Society's investigation, was *carried*. The solicitor and counsel, together with the reporter, re-attended and were advised of the action taken by Convocation. The solicitor waived his right to appeal and requested that he be reprimanded forthwith. Counsel and the reporter retired. The solicitor was reprimanded by the Treasurer.

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 6th day of December, 1972, the following members being present: John D. Bowlby, Chairman, and Messrs. Barnes, Beament, Cass, Cory, Ferrier, Gray, Lochead, MacKinnon, A. W. Maloney, Morden, Poole and Trepanier.

DIRECTRS REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of October, 1972.

(b) The Director submitted recommendations with respect to the writing off of Client Recoveries pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by George E. Wallace, Q.C., Vice-Chairman.

Approved

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 7 months ended October 31st, 1972.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of November, 1972.

(b) The Legal Accounts Officer submitted a report for the month of November, 1972 with respect to reviews and appeals.

CLASS APPLICATIONS — *Ratepayers Groups, etc.*

The Legal Aid Plan has, from time to time, received applications from Ratepayers' Associations that want representation to assist in rezoning applications before the Ontario Municipal Board.

Your Committee requested W. Z. Estey, Q.C., to give an opinion with respect to class actions.

At the December meeting Mr. Estey's opinion was before the Committee. The Committee requested the Chairman to appoint a sub-committee to review the matter and report back.

The following have been appointed members of the sub-committee:

John W. Morden
Peter deC. Cory, Q.C.

STUDENT LEGAL AID SOCIETIES

On Saturday, November 25th, 1972, representatives of the Legal Aid Committee met with a number of Law School Deans and Faculty Advisers to the Student Legal Aid Societies. L. S. Fairbairn, Assistant Provincial Director, submitted a memorandum reporting on this meeting and the resulting recommendations.

It was recommended that a committee be established to conduct an in-depth review of the current status of undergraduate law students and to consider what supervision is necessary before advice may properly be given by such students. The Committee will also give consideration to the suggestion that formal student practice rules be established.

In view of the suggestion that such committee might be composed not only of representatives of the Legal Aid Committee but include, as well, representation from the law schools, the judiciary and the Legal Education Committee, it was felt that the relevant committee should be appointed by the Treasurer.

The Chairman advised the Committee that he would discuss the matter with P. S. FitzGerald, Q.C., Chairman of the Sub-Committee on Student Legal Aid Societies, and the Treasurer and report back to the Committee accordingly.

The Committee was advised that Peter deC. Cory, Q.C., had forwarded correspondence to each law school inviting formal representations concerning the full range of student legal aid activity (whether part of their Student Legal Aid Society's "approved function" or not), together with their individual assessment of financial need to accommodate this activity in the future. The responses to this correspondence will assist the Committee in determining the principles upon which the Plan may extend financial support to such Societies.

The Committee agreed to reconsider its decision to instruct Area Directors not to refer "elective" criminal offences to approved Student Legal Aid Societies. While the matter of such referrals might be formally dealt with by the Committee struck to consider student practice rules, the Chairman suggested in the meanwhile that the Area Director or a member of his staff might enquire of the relevant Crown Counsel as to the intended mode of procedure and, if settled, refer such matters in appropriate cases.

Re: *University of Ottawa — Proposed Community Education Program*

The University of Ottawa proposes, through its Student Legal Aid Society, to undertake a "preventive law program" involving the preparation and distribution of pamphlets and television materials on general legal topics, subject to "oversight and approval by the appropriate law society, legal aid authorities and the faculty adviser".

A description of the proposed program is contained in correspondence from B. K. Arlidge, Faculty Adviser, dated October 24. Mr. Fairburn has been advised that the University of Ottawa is not seeking financial support for this project. A copy of Mr. Fairbairn's correspondence of October 27 replying to the application for approval is before the Committee.

Mr. Fairbairn was instructed to write B. K. Arlidge, Faculty Adviser, Faculty of Law, University of Ottawa, advising him that the Committee has no objection to their proposed program.

PROVINCIAL AUDIT YEAR ENDED MARCH 31, 1972

Your Committee reviewed the Annual Report of the Provincial Auditor on the financial transactions of the Legal Aid Fund of the Law Society for the year ended March 31st, 1972.

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the *Rainy River District Area Committee*:

L. G. Phillips, Solicitor, Fort Frances
B. A. R. Taylor, Solicitor, Atikokan

THE REPORT WAS ADOPTED

Mr. Bowlby, Chairman, presented the Report of the Legal Aid Committee dated 10th January, 1973:

Your Committee met on Wednesday, the 10th day of January, 1973, the following members being present: John D. Bowlby, Chairman, and Messrs. Barnes, Beament, Cooper, Griffiths, Killeen, A. E. M. Maloney, A. W. Maloney, Morden and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of November, 1972.

Approved

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 8 months ended November 30th, 1972.

(b) The Controller submitted a statement of account for services rendered by a solicitor for the Legal Aid Plan.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of December, 1972.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of December, 1972.

FEDERAL-PROVINCIAL AGREEMENT
(financing of criminal aid) and
STATUTORY POWERS PROCEDURE ACT

Dalton A. Bales, Q.C., Attorney General, called a meeting on Tuesday, January 9th, 1973. John D. Bowlby, Q.C., Chairman, Legal Aid Committee, John W. Morden, Solicitor, and the Provincial Director attended the meeting.

The purpose of the meeting was to discuss the Memorandum of Agreement respecting the financing of legal aid in criminal law between the Government of Canada and the Government of Ontario and to also discuss a memorandum from the Sub-Committee Appointed to Review the Statutory Powers Procedure Act as it relates to the Ontario Legal Aid Plan.

A synopsis of the meeting is before Convocation.

PART VII OF THE REGULATION — PAYMENT OF COSTS

(1) At the December meeting, Robert M. Loudon, Q.C., attended before the Committee on behalf of his clients to make application under Part VII of the Regulation for payment of the taxed costs in the sum of $18,098.35.

The Vice-Chairman, George E. Wallace, Q.C., had recommended that Mr. Loudon be permitted to appear before the Committee in view of the amount of costs claimed from the Fund.

A legal aid certificate was issued on May 23, 1967 by John M. Magwood, Q.C., Area Director, York County. The certificate authorized a written opinion on the merits of an action for damages for professional negligence. Bernard Cugelman, Solicitor, acted for the legally-aided client. An opinion was submitted to the Area Director recommending that a certificate be issued to sue for damages.

At the January meeting Bernard Cugelman, Solicitor, attended before the Committee to submit his views on the said application.

The Committee, after a thorough review of what had been stated by both counsel, recommended that the application be *refused.*

The Committee recommended that in deciding payment of costs from the Fund under Part VII of the Regulation, the following principles should apply:

(a) the successful unassisted party will otherwise suffer severe hardship,

(b) that the legal aid action was completely frivolous,

(c) the successful unassisted party should establish that he has made reasonable efforts to collect his costs and exhausted all remedies.

(2) A legally-aided client issued a petition for divorce against her husband, with the Public Trustee named as the committee. The divorce was granted including the following paragraph:

> "AND THIS COURT DOTH FURTHER ORDER AND ADJUDGE that no costs be awarded in this proceeding except the costs of

> The Public Trustee fixed at $50.00 to be paid by the petitioner."

The Legal Aid Plan received an application from The Public Trustee pursuant to Part VII of the Regulation for payment of the said sum.

The Committee *refused* the application.

(3) A legally-aided client took action with respect to an original road allowance which it was alleged the defendant's building blocked.

The defendant was successful at trial and again on appeal. His costs on appeal were taxed at $425.

The legally-aided client is a widow on a pension of $98.00 per month in the summer and $118.00 per month in the winter. She owns her own home valued at $10,000.00. The said successful unassisted defendant can collect his costs by filing an execution against the widow's property. It is obvious that if payment is not made the legally-aided client's property could be placed on sale one year after the filing of the execution.

Your Committee approved the application provided the legally-aided client signs the necessary documents to enable the registration of a lien on her property in favour of the Plan.

TASK FORCE ON COMMUNITY AND SOCIAL SERVICES

The Director received a copy of a letter addressed to Kenneth Jarvis, Q.C., Secretary, from the Chairman of the Task Force on Community and Social Services.

The terms of reference of the Task Force are to enquire into all matters pertaining to the management of the Ministry of Community and Social Services and related matters within Ontario, including:

- objectives and goals
- programs and their mode of delivery
- utilization of human resources
- organization design and administrative procedures
- relationships with other ministries, governments, organizations and communities

The Chairman suggested that the Law Society might wish to comment on the questions relating to the Legal Aid programme since the Legal Aid Assessment Branch forms part of the Ministry of Community and Social Services.

The Committee recommended that the Secretary be advised to inform the Chairman of the Task Force that the Law Society has some concern and would, through the Sub-Committee on Community Legal Services, make comment.

A memorandum to the Director from L. S. Fairbairn, Assistant Provincial Director, dated January 4, 1973, summarizing the interest of the Sub-Committee on Community Legal Services in this matter is before Convocation.

COMMUNITY LEGAL SERVICES

Re: *Peterborough Pilot Project*

On December 13th, 1972, the Peterborough Law Association, after meeting with George Wallace, Q.C., Vice-Chairman, and L. S. Fairbairn, Assistant Provincial Director, approved, in principle, the implementation of the Pilot Project proposed in that area by the Law Society.

A memorandum from Mr. Fairbairn reporting on this matter to the members of the Sub-Committee on Community Legal Services is before Convocation.

DUTY COUNSEL

The Canadian Civil Liberties Association recently presented a brief to the Attorney General. One of the recommendations of the Association was that lawyers be made available around the clock for police station duty if they are called.

W. R. Donkin, Q.C., Area Director, York County, requested permission for the York County office to establish a telephone number where persons accused of serious crimes may phone between 5:00 p.m. and 8:00 a.m. for the purpose of obtaining advice from a solicitor either directly by phone or by having the solicitor visit the accused in the place of his confinement.

Your Committee recommended that Mr. Donkin's request be approved as a pilot project for York County only; the said pilot project to operate for two months; that the Duty Counsel be remunerated at a stand-by rate of one hour per day (i.e. $18.75 net); the Duty Counsel to be compensated over and above the stand-by rate for any services rendered; that proper records be kept which will indicate the following:

(i) the number of calls
(ii) the identity of the callers
(iii) the place of attendance

CRIMINAL LEGAL AID APPEALS

Section 14 of The Legal Aid Act

The Committee received a report from Lucien A. Beaulieu, Assistant Provincial Director, on the activities conducted pursuant to his terms of reference approved by Convocation in April, 1972.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the *Oxford County Area Committee*:

Frederick J. Porter, Crown Attorney

The resignation of W. E. G. Young from the *Oxford County Area Committee* is *noted.*

It was moved by Mr. Cass, seconded by Mr. Pattillo, that items (1) and (3) under the heading respecting Part VII of the Regulation and Payment of Costs beginning on page 2 of the report be referred back to the Committee. This was *lost.*

It was moved by Mr. Cooper, seconded by Mr. Griffiths, that the principles designated (a), (b) and (c) in item (1) in the last paragraph on page 2 of the report be referred back to the Committee. This was *carried.* (See p. xxv hereof.)

THE REPORT AS AMENDED WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 11th day of January, 1973, at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Cory, Fennell, FitzGerald, Grange, Griffiths, Krever, MacKinnon, Morden, Seagram, Strauss and Thom.

1. RULING 3 — TOUTING, ADVERTISING & SOLICITING

In October 1972, Convocation approved an amendment to Ruling 3(2(c)) which permitted the designation of honorary counsel or honorary solicitor on the letterhead of a non-profit or philanthropic organization, provided that the approval of this Committee was first obtained. Requests that your Committee approve Mr. W. D. Goodman, Q.C., being shown as Honorary Solicitor for the Community Funds and Councils of Canada, Mr. Beverley Matthews, Q.C., being shown as Honorary Counsel for the Canadian Forestry Association, Mr. Alvin B. Rosenberg, Q.C., being shown as Honorary Counsel for New Mount Sinai Hospital, and Mr. Gordon Waldie, Q.C., being shown as Honorary Solicitor for the Ontario Forestry Association, were considered. The Secretary was instructed in each instance to advise that approval was given on the understanding that neither the lawyer concerned nor a member of his firm regularly acts on a non-gratuitous basis for the company or organization involved.

2. RULING 10 — SIGNS AND LETTERHEADS

Approximately four years ago, your Committee was asked to consider whether a person in one law firm could be retained by another law firm on a continuing basis as an associate counsel. The Committee at that time was of the view that the relationship itself was not objectionable. It was felt, however, that it would be improper for the counsel to have his name on their firm's letterhead with the designation "counsel", as this would be contrary to subsection 4 of Ruling 10. Your Committee has now received a letter from a Toronto lawyer who has been asked to act as counsel for a solicitor outside of Toronto. The lawyer would retain his partnership in the Toronto firm. The solicitor is desirous of using the lawyer's name on his letterhead designating him as counsel. Your Committee confirmed the view expressed four years ago that this would be improper.

3. RULING 16 — DIRECTORIES, ANNOUNCEMENTS AND PROFESSIONAL CARDS

The Town of Brampton is celebrating its centennial as an incorporated Town in March of this year. The Centennial Committee has approached individual firms of lawyers requesting them to have their names in a history book which is presently being prepared. Mr. C. B. Bowyer, of the firm Beatty, Bowyer, Greenslade, Plant & Hall, wrote to your Committee requesting approval for the lawyers to participate in this undertaking. Your Committee instructed the Secretary to advise that it can see no objection to such participation if all lawyers in the community are given an opportunity to take part in this venture and no addresses are included.

4. SUB-COMMITTEE ON GENERAL QUESTIONS RAISED BY TERM "LEGAL ASSISTANT"

At its October 1972 meeting the Committee appointed a Sub-Committee under the Chairmanship of Mr. P. S. FitzGerald and composed of Messrs. Cory and Wallace, to consider the use of the term "Legal Assistant". The Sub-Committee's Report has now been received and adopted by your Committee. This Report is as follows:

MEMORANDUM CONCERNING THE USE OF THE TERM "LEGAL ASSISTANT" ON BUSINESS CARDS FOR DISCUSSION BY THE PROFESSIONAL CONDUCT COMMITTEE

The Professional Conduct Committee reported to Convocation in June, 1970 as follows:

> "Consideration has been given to requests by office managers and clerks in law firms for guidance as to the form of business cards they might use. Your Committee is of the opinion that cards used by members of the profession and by employees of members of the profession should clearly indicate that the members are barristers and solicitors and clearly indicate the position held by the employees so that the cards will truthfully represent their respective status and misrepresentation will be thereby avoided.
>
> The Report was Adopted."

The question now asked of the Committee is whether it is proper for a lay person in the employ of a lawyer to use a calling card describing himself as a "Legal Assistant".

It would seem that there is very little in British custom to help us as the term "Legal Assistant" is virtually unknown in Britain. In Britain a person working for a Barrister or Solicitor is content to have himself accurately described as a Clerk so that the use of the designation on a business card would be well understood both by the profession and the public and would carry no connotation that could be confused with a qualified barrister or solicitor.

The Law Society Act, Section 55, Subsection (6) permits the Lieutenant-Governor to make regulations respecting the employment of barristers' and solicitors' clerks.

It would appear to us that a "Legal Assistant" would fall within the category intended to be covered by this section of the Law Society Act. It does not appear that in fact any regulation has been passed concerning clerks other than those relating to law students employed as articled clerks.

At the moment clerks themselves, other than law students, not only do not come within the Act but apparently are not governed by any other licencing or disciplining legislation. The control of law clerks in the present configuration of the Society can only be exercised through the indirect control of an employer who is a member of the Society. Two propositions come immediately to mind:

1. The barrister or solicitor himself must not indulge in touting or advertising or behave in a manner designed primarily to attract business: Ruling 3(1). Thus the use of his name by a lay person must be carefully supervised by the lawyer concerned. Moreover the lawyer must not be a party to any person holding himself out or appearing to hold himself out as a barrister or solicitor. (See Item 2.) The contents of such a card thus appear to be the employing lawyer's personal responsibility.

2. The Law Society Act, Section 50, Subsection (1) provides that no person other than a member shall hold himself out or represent himself to be or practice as a barrister or solicitor. The Society therefore has a direct control by prosecution over any person who so holds himself out but it would be a matter for the courts and not the Society to say, in the case of a "legal assistant", whether or not a card so describing him is in any way holding himself out to be a barrister and a solicitor.

Having moved through this convolution we must decide whether the barrister or solicitor permitting his name to be used on a business card in connection with the name of a person describing himself on that card as a "legal assistant" is permitting a person associated with him to hold himself out as a barrister and solicitor and whether or not the use of such card is designed primarily to attract business.

The crux of the matter is the use of the word "Legal". In our opinion there is a built-in tendency for the public to be misled by the use of that word as a qualification of any administrative title which may be given to the assistant or clerk.

Preferred terms would be those such as Administrative Assistant, Secretarial Assistant, Secretary to, Law Clerk to, Investigator to, Investigating Assistant to, Personal Assistant to and such other similar terms. Unfortunately these terms are clumsy compared with Legal Assistant.

It is apparent that we as a profession are faced with a new breed of cat and that the cat will have a name. Also we cannot put our heads in the sand and rule out something which seems on its way to becoming common-place and may soon be as clearly understood as the phrases "Law Clerk", "Solicitor's Clerk" or "Barrister's Clerk" are in Britain.

In summary we are inclined to agree with the informal ruling of the American Bar Association permitting the designation "Legal Assistant" on a business card provided that the designation is accurate and the duties are performed under the direction of a lawyer. This is a realistic approach. If the designation becomes generally familiar it will surely be not more misleading than "Law Clerk" which is now in common use and which also could possibly mislead the public into believing that the person was in fact a lawyer.

We therefore recommend that the Committee reply to the person who has inquired for our opinion that the use of the phrase is not objectionable *per se* but that regard should be had to the report adopted by Convocation in June, 1970.

We also believe we should point out that any such cards should conform to the following:

(i) The personal card of a lay person employed by a lawyer or firm of lawyers should conform to Ruling 3(1).

(ii) The title on the card should properly describe the user's true function.

(iii) The card should indicate the name and legal status of the lawyer or lawyers by whom the lay person is employed.

(iv) In all other respects the card should not differ in size, form or style from that generally in use as a lawyer's personal calling card.

(v) The card should be used in the same manner as a lawyer's personal card and only in connection with business being carried out for and under the direction of the lawyers appearing on the card.

Since this will undoubtedly be a matter of general interest we recommend that the Sub-Committee be continued in order to bring forward a draft ruling for inclusion in the handbook.

While not within our terms of reference we also suggest that the Committee consider recommending to Convocation that it undertake a study directed to the desirability and method both from the public and the professional viewpoints of controlling the function of law clerks by the passage of regulations under the Law Society Act.

Respectfully submitted.
P. S. FitzGerald, Q.C., Chairman
George E. Wallace, Q.C., Member
Peter deC. Cory, Q.C., Member

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Grange

GREAT LIBRARY

Your Committee met on Thursday, the 11th day of January, 1973, the following members being present: Messrs. Harris (Vice-Chairman), Borins, Grange, Maloney, Seagram, Wallace and Zahoruk, and Miss A. R. McCormick.

ACCOUNTS

Expenditures by the Great Library up to 31st December, 1972, were approved.

GIFTS AND DONATIONS

Donations have been received from the following:

Messrs. Holden, Murdoch, Walton, Finlay, Robinson, Toronto — 1 copy Fraser, W. K., *Canadian company forms*, 3rd ed. Toronto, Carswell, 1947; 51 loose parts of various volumes, *Canadian Bar Review.*

Estate of Dean Emeritus C. E. Smalley-Baker, Q.C. — 36 miscellaneous bound volumes; 197 copies of pamphlets issued by the Holdsworth Club; 20 loose parts, *Illustrated London News.*

Clarkson, Gordon & Co., Toronto — 1 bound volume of the University of Toronto, *Faculty of law review*, v. 23-26, 1965-1968.

The Honourable Mr. Justice Peter Wright, Supreme Court of Ontario — 5 volumes of texts.

Noted

BOOK LIST

A list of books which have been recently purchased for the Great Library is presented for approval.

Approved

REPORTING

ONTARIO MUNICIPAL BOARD DECISIONS

Your Committee wishes to report as follows:

(a) The Report of the Select Committee on the Ontario Municipal Board contains a recommendation VII, as follows:

> "The OMB's decisions should be edited concisely and published regularly.
>
> At least two attempts have been made in the past to publish the Board's decisions, but both failed for various reasons. The Board now makes all its decisions available

> to many universities and libraries. However, these are not issued in edited form, and they are so voluminous and cumbersome that they are virtually useless.
>
> The Committee suggests that the Ministry of the Attorney General could be responsible for appointing an editor and publishing the Board's decisions in concise form. Publication could be handled either by some government branch or by an outside firm. If publication cannot be maintained without a subsidy, the Government should provide one."

(b) A Notice has been inserted in the Ontario Reports announcing that copies of the Great Library Index to Ontario Municipal Board decisions for the year 1973 will be available for purchase from the Society at a cost of $45. Annual consolidations for the years 1962 through to and including 1972 are in the process of being prepared and will be made available at a cost of $30 for each year.

ONTARIO REPORTS: BLUE PAGES

The Chief Justice's Clerk requested your Committee's thoughts about including in the blue pages, after each summary, the names of Counsel acting for each party. Your Committee considers this a good suggestion and recommends that the Clerk be so advised.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 11th day of January, 1973, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Cooper, Fennell, FitzGerald, Pallett and Trepanier.

DIVORCE COMPANIES

On Wednesday, the 3rd day of January, 1973, a conviction was obtained against Fred Zaza, James Zaza and D.A.S. Holdings Limited under Section 50 of The Law Society Act. Fred and James Zaza were fined $150 each, and the Limited Company was fined $200.

To date, Notice of Appeal has been filed on behalf of Fred Zaza and D.A.S. Holdings Limited.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON OSGOODE HALL FENCE—
Mr. O'Brien

Your Committee met on Thursday, the 11th day of January, 1973, at 2:30 p.m., the following members being present: Messrs. O'Brien (Chairman), Fennell and Levinter.

At the request of the Committee Mr. Arthur Heeney was also in attendance.

Mr. Heeney made a brief report with respect to his discussions with Messrs. Page and Steele, Architects for the Province of Ontario, concerning the brick wall on the University Avenue frontage and as to the intentions of the Province with respect to this part of the fence.

Convocation has before it a copy of the Society's letter of 22nd February, 1972, to Alderman Reid Scott (representing the City of Toronto in this matter) together with a copy of Mr. Scott's reply dated 6th March, 1972. The Society has heard nothing from Mr. Scott or from the City of Toronto since the letter of 6th March, 1972, and continued deterioration of the fence makes it necessary for the Society to insist that the City should arrive at a decision as to its intentions.

Your Committee recommends that the Society put the City on Notice that if it (the City) does not take action by the 26th of February, 1973, then the Society's proposal will be withdrawn and the Society will feel free to proceed with the repairing of the fence on its present site.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 4:30 P.M.

Read in Convocation and confirmed this 16th day of February, 1973.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 16th February, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.), and Messrs. Borins, Bowlby, Carley, Cartwright, Cass, Chappell, Common, Cooper, Cory, Evans, Fennell, Finlayson, Grange, Gray, H. E. Harris, W. E. Harris, Henderson, Krever, Lochead, Morden, O'Brien, Pallett, Seagram, Sheard, Strauss, Thom, Trepanier and Wallace.

Mr. John Bassett, Sr. and Mr. William E. Ward, lay members of the Law Society Council, attended at the Treasurer's invitation.

The Minutes of Convocation of 19th January, 1973, were read and confirmed.

LAW SOCIETY COUNCIL—The Treasurer

The Law Society Council met at Osgoode Hall on December 12th, 1972, beginning at 10 A.M. The following were present:

John Bassett, Chairman, H. C. Adams, Miss Mary E. Aiken, Professor H. W. Arthurs, T. C. H. Baldwin, J. Donald Bell, J. D. Bowlby, Blain Bowyer, H. J. Bradley, N. C. Brown, R. E. Brown, Professor Ian Bushnell, Roy Cairns, J. R. Campbell, R. H. Carley, J. D. Carnwath, R. W. Cass, Donald Chambers, J. E. Clement, L. P. Compton, T. G. Dean, W. Z. Estey, F. J. L. Evans, L. S. Fairbairn, Robert J. Faulkner, G. D. Finlayson, J. R. Finley, Professor M. L. Friedland, J. R. M. Gautreau, J. P. Giffen, E. A. Goodman, W. G. Gray, H. E. Harris, M. J. Hennessey, John D. Honsberger, David Jack, Wm. R. Kay, J. F. Kelleher, C. V. Laughton, Andrew M. Lawson, G. H. Lochead, J. C. MacDonald, B. J. MacKinnon, A. E. M. Maloney, R. G. S. McIntosh, Professor John P. S. McLaren, J. McManamy, Andrew H. McTavish, R. E. Mountain, Patrick O'Keefe, A. S. Pattillo, J. A. Pringle, Sydney L. Robins, K. M. Sepkowski, R. D. Steele, Nathan Strauss, R. W. Summerby, Professor F. B. Sussman, B. A. R. Taylor, Stuart Thom, B. C. Thompson, R. C. Thompson, G. E.Wallace, R. Waller, Wm. E. Ward, G. B. Weiler, Murray Yuffy.

1. *Report of the Committee on the Future of the Law Society Council*

Mr. Kelleher presented the following Report:

"COMMITTEE ON THE FUTURE OF THE LAW SOCIETY COUNCIL

Your Committee begs leave to report:

Your Committee met at 10 A.M. on Friday, the 3rd of November, 1972, the following members being present: Mr. Kelleher, Chairman, and Messrs. Bell and Faulkner. Mr. Kenneth Jarvis acted as Secretary. Your Committee reviewed carefully the considerations which had led to the formation of the Law Society Council and the points which had been raised in the various discussions of its role which had taken place at virtually every meeting of the Council.

The Council was formed as an alternative to having direct public representation at Convocations of the Law Society. It was thought that the presence of representatives of the County and District Law Associations and other elements of the profession would provide a means whereby the lay representatives could become familiar with the way in which the legal profession serves the public and assist in the resolution of particular problems of concern to the profession as a whole.

The broad representation on the Council specified in the Law Society Act produced a body numbering 90. To this number have normally been added the Provincial Director of Legal Aid, the Director of the Bar Admission Course and others who from time to time have been invited to attend because of their particular interest in the matters to be discussed. The Council has proved to be an unwieldy size and disucssions have lacked ease and spontaneity which had been evident at earlier meetings between representatives of the Law Society and of the County and District Law Associations and which had contributed so much to the success of those meetings. It had proved difficult to inform the members of the Council adequately of the background of matters to be discussed. This was particularly true of the lay members.

Your Committee considered the suggestions that have been made to re-organize the Council into an effective body such as by breaking it into Committees which would conduct research and prepare background papers on matters affecting the legal profession and a variety of other possible ways in which the difficulties created by the large membership on the Council could be reduced. Most of these suggestions would involve the creation of a secretariat and involve considerable expense. In arriving at its decision your Committee was impressed by the fact that the Council has failed of its main purpose, namely to provide true public representation on the effective governing body of the profession.

Your Committee is unanimous in believing that the Council should not continue in its present form provided the public is represented in Convocation, but that the meetings of representatives of the Society with representatives of the County and District Law Associations should be revived.

1. That the appropriate amendments be sought to The Law Society Act, 1970, to provide for an annual meeting of representatives of the County and District Law Associations and two representatives of the approved law schools in Ontario with the Chairmen and Vice-Chairmen of the Standing Committees of the Law Society and the Treasurer of the Law Society;

2. That four persons, not being members of the Society, two of whom are resident within Metropolitan Toronto and two from outside the Metropolitan area, be appointed forthwith by the Lieutenant-Governor-in-Council to be full members of Convocation;

3. That at the next election of Benchers the number of elected Benchers be reduced to 36, 18 of whom should be from within Metropolitan Toronto and 18 from outside the Metropolitan area.

Your Committee met at 2:30 o'clock in the afternoon of Friday, the 3rd of November, with the members of a Committee of Convocation composed of Mr. Robins as Chairman with Messrs. Henderson, MacKinnon and Thom. Your Committee reported fully on the discussion which had taken place at its morning meeting. Its recommendations were fully discussed.

It was suggested by the Treasurer that until the recommendations of your Committee could be acted upon the lay members of the Law Society Council could be invited two at a time to attend Convocation and meetings of the Standing Committees of the Society, except the Discipline Committee.

All members present agreed that if your Committee's recommendations are implemented the lay representatives should be appointed for a four-year term by the Lieutenant-Governor-in-Council and be subject to removal by the Lieutenant-Governor-in-Council.

The Committee of Benchers was not in a position to bind Convocation but undertook to report your Committee's recommendations to Convocation without asking that the matter be voted upon so that at its December meeting the Law Society Council might be advised of Convocation's informal reaction to the recommendations.

All of which is respectfully submitted."

Moved by Mr. Kelleher seconded by Mr. Bell that the report be adopted.

Mr. Sydney L. Robins, the Treasurer of the Law Society, told the meeting that Mr. Kelleher had given him a copy of the Committee's Report and permitted him to discuss it with the Benchers at the November Convocation with a view to obtaining Convocation's informal reaction to the Report so that the Society's attitude would be known when the Report was discussed by the Law Society Council. He said that the Committee's Report had been well received by the Benchers and that although they had no power under The Law Society Act to appoint lay members to Convocation they had passed a motion to invite two lay members of the Law Society Council to sit with Convocation and its Committees and to participate in discussion. After consideration discussion in which amendments to the Committee's recommendations were either adopted or not pressed, the following recommendations were adopted:

1. that the appropriate amendments be sought to The Law Society Act, 1970, to delete section 26 and abolish the Law Society Council and that the Act be further amended to provide for an annual meeting of representatitves of the County and District Law Associations and a representatitve of each of the approved Law Schools in Ontario with the Chairmen and Vice-Chairmen of the Standing Committees of the Law Society and the Treasurer of the Law Society;
2. that four persons, not being members of the Society, two of whom are resident within Metropolitan Toronto and two from outside the Metropolitan area be appointed forthwith by the Lieutenant-Governo-in-Council to be full members of Convocation.

Carried unanimously.

The meeting adjourned at 12:30 for luncheon and resumed at 2:15 p.m., Mr. Kelleher in the Chair, a quorum being present.

2. *Report of the Special Committee on Legal Education*

Mr. MacKinnon, the Chairman of the Special Committee on Legal Education, told the meeting that the Report of his Committee had been placed before Convocation in October 1972. The full text of the Report was circulated to all members of the profession in Ontario and to every Law Society in Canada as well as to many other interested parties. Mr. MacKinnon explained the reasons for the Committee's recommendations which were discussed by the meeting. He said that no conclusions had been reached on the Committee's Report and recommendations and that discussion of them in Convocation had been postponed to afford an opportunity for careful consideration of the Report and full discussion of it. He invited members to send their observations and suggestions to the Secretary of the Society.

3. *Report of the Special Committe on Specialization in the Practice of Law*

Mr. Estey, Chairman of the Special Committee on Specialization in the Practice of Law, discussed his Committee's Report of the 9th November 1972. The Report had been adopted in principle by Convocation in November and circulated to all members of the profession. Mr. Estey stressed that the implementation of the Report would require most careful consideration and attention to the needs of the public and the organization of the profession. He invited the representatives of the County and District Law Associations to canvass their own members and to present their views and suggestions through their presidents to the Secretary of the Society.

The meeting adjourned at 3:15 p.m.

THE REPORT WAS RECEIVED

LEGAL EDUCATION COMMITTEE—Mr. Thom

Your Committee met on Thursday, the 8th February, 1973, at 2:30 p.m., the following members being present: Mr. Stuart Thom, in the Chair, and Messrs. Carley, Cass, Cory, Finlayson, Grange, Gray, Griffiths, Krever and Sheard.

DIRECTOR'S REPORT

The Director submits the following matters for consideration:

Bar Admission Course Faculty Appointments: The following appointments to the Bar Admission Course Faculty for the 14th Teaching Term are recommended for the approval of the Committee:

(a) *Estate Planning and Administration of Estates*: These are two sections consolidated only in so far as they use the same instructors and a common examination. It is recommended that E. J. Huycke, Q.C., continue as Head of the Estate Planning Section and J. A. Brulé, Q.C., continue as Head of the Administration of Estates Section, with the following instructors to either continue or be appointed:

Mr. M. S. Archibald, Mr. F. D. Baker, Mr. E. Burstein (new), Mr. D. F. Curtis, Mr. L. S. D. Fogler, Q.C., Mr. J. M. Fuke, Mr. D. G. Fuller, Mr. R. J. Fuller (new), Mr. P. H. Harris (new), Mr. I. C. Hart, Q.C., Mr. S. Heighington, Miss R. E. Hodgins, Mr. R. E. Jarman, Mr. J. F. Kennedy, Mr. R. L. Kennedy, Jr., Mr. M. O'Donohue, Q.C., Mr. T. M. Powers, Miss E. J. Richardson, Mr. J. T. Robson, Q.C., Mr. K. L. Saltzman, Mr. P. U. Schmidt (new), Mr. P. B. Shone (new), Mr. J. D. Simmons, Miss E. Slasor, Mr. S. C. Smith (new), Mr. J. M. Solursh (new), Mr. B. A. Spiegel, Mr. J. M. Stewart (new), Mr. T. A. Sweeney, Mr. S. Taube, Mr. J. M. White (new).

(b) *Accounting and Analysis of Financial Statements*: K. H. C. Laundy, F.C.A., to continue as Head of this Section. There is no group instruction in this Section.

(c) *Professional Conduct*: Kenneth Jarvis, Q.C., to continue as Head of this Section. There is no group instruction in this Section.

(d) *Legal Aid*: Andrew Lawson, Q.C., to continue as Head of this Section, and the following instructors to either continue or be appointed:

Mr. J. B. Allen, Q.C., Mr. J. B. Chadwick, Mr. W. R. Donkin, Q.C., Mrs. Gretta Grant (new), Mr. R. J. Humeault, Mr. K. P. Lefebvre, Mr. G. H. Marsden (new), Mr. K. G. Ouellette, Mr. T. E. Quinlan (new), Mr. B. B. Trembley, Q.C., Mr. D. Warner (new), Mr. F. S. Weatherston, Q.C., Mr. E. F. West, Mr. R. F. Wyrzykowski.

Approved

Increase in Student Fees: The tuition fee for the Bar Admission Course teaching term is $350 which was raised in 1970 from $290. General increases in ocsts, particularly with respect to the production of printed material, causes us to recommend a further increase as of the 1st of September, 1973 by way of adding a compulsory book charge of $50, making a total combined charge for tuition fee and book charge of $400. The estimates in the application for the Government Grant included this additional levy. Subject to the approval of the Finance Committee, we respectfully request instructions to levy a book charge of $50 to be paid in addition to the present tuition fee of $350, making a total combined student fee of $400.

Approved

Honoraria: At the same time as the tuition fee was increased, honoraria were raised from $350 to $500 each week for heads of sections and $40 to $50 each day for instructors. We recommend that the honoraria be raised as of September, 1973 to $600 each week for heads of sections and $60 per day for instructors. Again, the need for this step was anticipated in the applicant for the Government Grant which included these higher estimates for honoraria. Subject to the approval of the Finance Committee, we respectfully request instructions to pay honoraria at the rate of $600 per week for heads of sections and $60 each day for instructors.

Approved

Videotape Play-back Units in Seminar Rooms: The application for the Government Grant contained an estimate of $30,000 for equipping each of the 16 seminar rooms with television monitors and play-back units. A further estimate of $50,000 was provided for development of teaching tapes for each of the next three terms, making an amount of $83,000 for 1 2/3 teaching terms in the forthcoming fiscal year ending June 30th, 1974. Any recommendation made about implementing the plan involving these estimates must be subject to the approval of the staff increases already mentioned; a detailed breakdown and quotation for installation and tape production costs; and more importantly, the result of the application to the Government for the Bar Admission Course grant. Accordingly, we would ask that depending upon when word is received about the Government Grant, this item be postponed for discussion to either the April or May meeting of your Committee.

Your Committee recommends this matter stand to April meeting.

*A proposal for the Publication Dealing with Civil Litigation*s The Continuing Education Programme conducted in May, 1971, presented a demonstration trial followed by an extensive panel discussion on trial procedure including, in particular, questions relating to damages.

A further programme held in June, 1972, dealt with the subject of interlocutory motions and discoveries and involved many of the counsel who participated in the 1971 programme. Considerable interest having been evinced in these two programmes, we feel that the profession would like to have a more permanent record of the matters discussed than is provided in the reference material. We therefore recommend that the Department publish the proceedings of these two programmes in the Civil Litigation and make them available to lawyers across Canada. The publication would be in hard cover.

Your Committee recommends approval of ordering 1,000 copies each of Civil Litigation 1971 and 1972 (2 volumes) to sell at between $20-$30 per volume.

SPECIAL PETITION

Morris M. Litman asks permission to defer for two years entering the teaching period of the Bar Admission Course in September 1973, so that he can attend the Australian National University in Camberra for a two year LL.M. programme commencing March 1st, 1973. Mr. Litman has been under articles since the first of September 1972 and intends to stop on the 18th of February. He asks that the period of five months and three weeks be credited towards the Society's articling requirements.

Your Committee recommends he be advised he may defer entering the Bar Admission Course until September 1975 as requested. There was no decision made respecting credit.

Part II — Information Items

Printing Department: 1,027,735 impressions have been produced by this Department during the month of January. This figure includes material produced for the Bar Admission Course and the Department of Continuing Education.

Graduate Placement: There are at prsent only 20 Toronto positions on our files and 35 out-of-town positions. One hundred and seventy students have applied for these available jobs but there may be many more students without positions who are telephoning firms directly rather than making applications through us.

The employment situation is becoming a matter of real concern. A further notice requesting firms to file their vacancies with our placement service is being placed in the next edition of the Ontario Reports but unless there is a good response from the profession there may be as many as 150 unemployed graduates at the end of March. Suggestions from members of the Committee as to ways of alleviating this situation would be welcome.

Articling Placement: There are filed with us at present 18 Toronto positions and 32 out-of-town positions for students under articles.

Association of Continuing Legal Education Administrators: The President of the Association of Continuing Legal Education Administrators has invited us to attend the Association's Annual Meeting on February 8th and 9th, 1973, in Cleveland, Ohio, and to provide a speaker to address the meeting on the topic "The Canadian Two-Year Internship". Since there are discussions relating to Continuing Education, both Mrs. Knox and Mr. Nimmo will attend and Mrs. Knox will address the meeting on the Bar Admission Course.

Department of Continuing Education Regional Presentations: On Friday, January 12th, 1973, Mr. Fred Baker instructed 24 members of the Simcoe County Law Association in a seminar on Estate Planning and Administration in Barrie. Local arrangements were co-ordinated by Mr. George Taylor and the registrants expressed their gratitude by presenting Mr. Baker with a commemorative volume on the history of Simcoe County as a memento of his visit.

On Friday, January 26th, 1973, the Department of Continuing Education presented a seminar on the subject of Party and Party Costs to 36 members of the Middlesex County Law Association. This is the most varied presentation to date; the instructor Mr. Brian H. Wheatley was assisted by Earl Cherniak, Angus McKenzie, Donald Egener, Registrar of the Middlesex County Court. The latter participants assisted Mr. Wheatley by serving as panelists in the afternoon portion of the programme. The registrants saw a videotape demonstration on taxation of a Party and Party Bill of Costs conducted by Master G. C. Saunders with appearances by Mark M. Orkin, Q.C., and Barry S. Wortzman. Following Mr. Orkin and Mr. Wortzman interviewed Master W. C. McBride through the medium of videotape. The day's presentation concluded with a demonstration on taxation of two Bills prepared by Mr. Cherniak who, together with Mr. McKenzie, appeared before Mr. Egener in the demonstration. The local co-ordinator William A. Jenkins expressed the group's appreciation to Mr. Wheatley, and to Professor Horace H. Krever who agreed to let us hold the presentation at the University of Western Ontario, Faculty of Law Building. During the course of the day, Mr. Jenkins also initiated plans for the presentation of a further seminar in London some time in April.

On Saturday, February 10th, 1973, Mr. Archie G. Campbell will travel to Manitoba to participate with Mr. Perry Schulman, Director of the Manitoba Institute for Continuing Legal Education, in the presentation of a seminar on Bail Reform for members of the Bar in Flin Flon. Videotapes and printed reference materials provided by the Department of Continuing Education will be used by Mr. Schulman in the co-ordination of this programme.

Seminars on the subject of Estate Planning will be held in St. Thomas on Saturday, February 3rd, 1973, Mr. Robert Jarman instructing and in Peterborough on Saturday, February 17th, 1973, under the direction of Kenneth L. Saltzman.

Continuing Education Programme Schedule for Spring and Summer, 1973: Plans are now settled in the Department for the presentation of a varied series of programmes during the months of May and June, 1973.

Wednesday, May 2nd, 1973: Drafting Legal Documents — A one-day programme under the Chairmanship of Robert C. Dick, Q.C.

Friday, May 4th and Saturday, May 5th, 1973: Administration of Estates — A two-day programme under the Chairmanship of J. Albert Brulé, Q.C., with the assistance of Robert Jarman. It is intended that this programme deal with basis procedures in the Administration of Estates; however, Mr. Brulé is also prepared to instruct practitioners in any new legislation relating to Succession Duty, should such be handed down prior to the date of the programme.

Friday, May 11th and Saturday, May 12th, 1973: Advising the Small Businessman — A two-day programme under the Chairmanship of Mr. J. G. Ground, Q.C. with the assistance of Mr. G. Coleman.

Friday, May 18th, 1972: The Law of Damages — A one-day programme under the Chairmanship of Pierre Genest, Q.C.

Monday, May 28th and Tuesday, May 29th, 1973: Communciations Law — A two-day programme on Practice and

Procedure before the CRTC, under the Chairmanship of Mr. Peter Grant.

Thursday, June 7th and Friday, June 8th, 1973: Industrial Property — A two-day programme under the Chairmanship of David M. Rogers, Q.C. The first day will invite registration from the general practitioner while the second day will be presented at the level of the lawyer more experienced in patent work. Registration will be invited from among the members of the Patent Institute of Canada for the second day.

Friday, June 15th, 1973: Civil Litigation — A one-day programme on the subject of No-Fault Insurance under the Chairmanship of W. David Griffiths, Q.C., in consultation with L. Robert Freeman, Q.C.

Continuing Education in the Fall and Winter of 1973: The following is the discussion list of topics for Continuing Education Programme to be presented in the fall and winter of 1973. A brochure announcing the final schedule of presentations is in preparation and will be mailed to the profession in late June:

Gift Tax
Drafting of Pleadings
The Statutory Powers and Procedure Act
Basic Problems in Evidence
Real Estate: Procedures in the Land Titles
    and Registry Offices
Family Law
Criminal Procedure
Legal Aid
Bankruptcy
The Personal Property Security Act

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 8th February, 1973, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Cooper, Grange, Lochead, Seagram, Sheard and Thom.

FULL-TIME MEMBERS OF THE FACULTY OF APPROVED LAW SCHOOLS

The following members of the approved law faculties ask to be called to the bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved Law Faculties in Ontario upon payment of a fee of $200.00. Letters confirming the eligibility of the applicants have been received from the deans of the relevant law schools.

Robert W. Mackenzie — Bachelor of Commerce (Dalhousie University 1969) ; LL.B. (Dalhouseie University 1961) ; Barrister and Solicitor Nova Scotia 1962.

Surya Prakash Sinha — Bachelor of Commerce (University of Poona, India, 1956) ; LL.B. (University of Bombay, 1958) ; Master of Science degree in Business Administration (University of Arizona 1962) ; LL.M. (University of Illinois 1964) ; Doctor of the Science of Law (University of Illinois 1966).

Approved

SPECIAL PETITIONS

Your Committee gave consideration to three special petitions. One petitioner who had previously sought permission to enter the Bar Admission Course and had been refused because he lacked the necessary qualification, again applied. He did not qualify and his petition was refused. A second petitioner sought credit against the articling term for work done as a legal secretary with a Judge of the Supreme Court and asked permission to enter the teaching portion of the Bar Admission Course. This petition was approved. The third petitioner had previously been granted permission to enter the Bar Admission Course subject to his passing the comprehensive examination arranged for the end of January. This petitioner requested permission to sit the examination at a later date and his petition was granted.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 8th day of February, 1973, at 3:30 p.m., the following members being present: Messrs. Gray (Chairman), Beament (Vice-Chairman), Fennell, Pallett and Thom.

ACCOUNTS

The Secretary reports that from 1st January, 1973 to 31st January, 1973, accounts (including Library Accounts), properly approved, to the amount of $199,554.46 have been paid.

Approved

Financial Statement — 1st September, 1972 to 31st January, 1972

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September, 1972 to 31st January, 1973.

Approved

Rolls and Records

The Secretary reports:

Appointment to the Bench

The following member has been honoured by her appointment to judicial office and her membership in the Society is in abeyance:

Nancy Elizabeth Morrison, Vancouver, B.C.	Called — 19 April 1963 Appointed Judge, Provincial Court of British Columbia — December 1972

Approved

Deaths

Thomas Rutherford Findall Langdon, Q.C., Toronto	Called — 18 September 1930 Deceased — 29 January 1973
Thomas Robert Walsh, Q.C., Toronto	Called — 24 September 1952 Deceased — 1 February 1973

Noted

Membership Restored

The Honourable John Bell Aylesworth, Q.C., Toronto, gave notice under Section 31 that he had resigned as a Judge of the Supreme Court of Ontario and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restore.

Herbert Carfrae Mosser, Walkerton, gave notice under Section 31 that he had resigned as Provincial Judge (Criminal Division) for the County of Bruce effective 31st January, 1973 and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored.

Noted

Membership in Abeyance

Alfred John Frost, Ottawa, was appointed to the Tax Review Board 11th March, 1971 and in compliance with Section 31 his membership in the Society is in abeyance.

Noted

MEMBERSHIP UNDER RULE 50

The following members who are sixty-five years of age or over and who are fully retired apply to continue their membership in the Society at a reduced annual fee of $25.00:

Nixon Telford Berry, Q.C., Toronto
William John Hare, Whitby
Eugene Edward Hawke, Toronto
William John McBurney, Q.C., Niagara Falls

Approved

CHANGE OF NAME

Bruce John Michael Koepke, a solicitor practising in Toronto, requests that his name be changed on the Rolls of the Society to Bruce John Michael *Lorenz.* His petition and a copy of the Order of His Honour Judge W. T. Carroll are before the Committee.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual returns for 1972. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

COMPENSATION FUND SUMMARY

COMPENSATION FUND

For the period 1st September, 1972 to 31st January, 1973

	Month of January, 1973	*5 months ending 31st January, 1973*	
Balance on Hand, 31st Aug., 1972			$1,450,458.76
Receipts			
Fees	$15,270.00	$198,215.00	

Investment Income				
Gov. of Canada	—	$16,750.00		
Guar. Dep. Receipt Int.	8,091.19	18,680.96		
Bank Interest	—	2,30	35,433.26	
Recoveries				
H. Coleman	218.00	$ 218.00		
M. Godo	100.00	520.00		
N. Pivnick	5,191.60	5,925.05		
Shuttleworth	—	240.00	6,903.05	240,551.31
	$28,870.79			$1,691,010.07
Disbursements				
Counsel Fees, Reporters, etc.	—		$ 1,966.10	
Annual Fee Refunds	600.00		630.00	
Grant — Kennedy (Increased Amount)	368.68		368.68	2,964.78
	$27,902.11	TRUST BALANCE—31/1/73—		$1,688,045.29

Resumé of Gross Claims Outstanding

Claims received and not processed as of 31st December, 1972	$2,112,086.04
Received during month of January — Willis	2,000.00
	$2,114,086.04
Dismissed, withdrawn or written off during month of January	(368.68)
Settled by payments in whole or in part	368.68
**Claims received and not processed as of 31st January, 1973*	$2,114,086.04

*Blotti —	$ 323,417.34
Caplan —	1,051,276.12
Harris —	519,749.90
	$1,894,443.36

TOTAL PAID to 31st January, 1973 on account of 824 claims in respect of 84 former solicitors	$2.578,990.56

THE REPORT WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 7th day of February, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Ferrier, FitzGerald, Gray, Griffiths, Killeen, Lochead, Maloney, A.W., Trepanier and Wallace.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of December, 1972.

(b) The Director submitted recommendations with respect to the writing off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

(c) The Director submitted recommendations with respect to writing off client recoveries pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 9 months ended December 31st, 1972.

(b) The Controller submitted a statement of a solicitor's account for services rendered the Legal Aid Plan.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of January, 1973.

(b) The Legal Accounts Officer submitted a report with respect to reviews and appeals for the month of January, 1973.

FEDERAL-PROVINCIAL AGREEMENT

The Controller submitted a report on administrative changes which will be necessary to comply with the provisions of the proposed Federal-Provincial Agreement.

PART VII OF THE REGULATION—*Payment of Costs*

At the January meeting the Committee recommended principles which might be taken into consideration when deciding payment of costs from the Legal Aid Fund under Part VII of the Regulation.

Convocation at its January 19th meeting, passed the following motion: "That the principles designated be referred back to the Committee".

Your Commitee has recommended that a sub-committee be appointed with George E. Wallace, Q.C., Chairman, with power to add. The sub-committee will review and study the matter of principles which might apply to applications under Part VII of the Regulation, reviewing the Legal Aid Act and the English exerience and report back to the Committee.

STUDENT LEGAL AID SOCIETIES

Re: *University of Western Ontario*

The Committee considered correspondence from Dean R. S. Mackay, University of Western Ontario Law School, requesting approval, pursuant to Section 74 of the Regulation, for student appearances in the Provincial Court (Family Division) as a separate approved function of their Student Legal Aid Society.

Your Committee recommended that the University of Western Ontario's application be approved subject to the terms and conditions of supervision outlined in Dean Mackay's correspondence.

L. S. Farbairn, Assistant Provincial Director, was instructed to communicate such approval to Dean Mackay and to advise him of the uncertain status of the principles governing financial assistance to Student Legal Aid Societies.

COMMUNITY LEGAL SERVICES

(a) L. S. Fairbairn, Assistant Provincial Director, submitted a memorandum to the Committee with respect to fifteen civil duty counsel pilot projects being maintained by the Ontario Legal Aid Plan in Metropolitan Toronto.

After reviewing the memorandum your Committee recommended that the responsibility for administration of 10 of the pilot projects be transferred to the Area Director in York County.

Your Committee further recommended that Mr. Fairbairn be instructed to investigate the following pilot projects and report back to the Committee with a recommendation as to whether such projects should be similarly dealt with or discontinued:

West End Y.M.C.A.
Warden Woods Community Centre
Dixon Hall
Elizabeth Fry Society
Bloordale Community School

(b) Re: *The Peterborough Pilot Project*

P. S. FitzGerald, Q.C., Chairman of the Sub-Committee on Community Legal Services reported briefly on the Peterborough Pilot Project advising the Committee that his subcommittee is continuing to acquire cost data on this project and will report to the Committee at the March meeting.

THE CANADIAN LAW OF CRIMINAL CORRECTION

The Committee reviewed correspondence from Ronald R. Price, Faculty of Law, Queen's University, requesting assistance in connection with a study on Inmate Legal Aid for a project on the Canadian Law of Criminal Correction.

Aftr reviewing this matter the Committee recommended that Professor Price be advised that Section 137 of the Regulation prohibits the disclosure of information and, therefore, legal aid files cannot be made available.

The Director was requested to inform Professor Price that the Administrators of the Plan would, however, provide him with whatever statistical information he may require.

APPOINTMENT OF ASSISTANT LEGAL ACCOUNTS OFFICER

Your Committee recommends the appointment of Mannis Frankel, Solicitor, as Assistant Legal Accounts Officer.

The appointment has been approved by E. K. Pukacz, General Manager, Ministry of the Attorney General.

NATIVE COURT WORKERS

Lucien A. Beaulieu, Assistant Provincial Director, reported to the Committee on a course presented by the Indian Branch of the Community and Social Services Department to native court workers, November, 1972.

DISCIPLINE

Lucien A. Beaulieu, Assistant Provincial Director, reported to the Committee on the current status of discipline proceedings under the Legal Aid Plan.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Elgin County
Robert F. Cline, Solicitor, St. Thomas

Leeds & Grenville Counties
Captain Ed Amos, Salvation Army, Brockville

Middlesex County

J. S. M. Mitchell, Solicitor, London
J. M. B. Neilson, Solicitor, London
J. V. Rogers (lay member)

Norfolk County

Ernest A. Whibley, Probation Officer, Simcoe

The following *resignations* are noted:

Bruce County

Maurice E. Downs, Q.C.
George C. Loucks, Solicitor

Haldimand County

Fraser Raney, Q.C.
David Montcalm, Solicitor

Kent County

W. A. Donovan, Solicitor (deceased)

Middlesex County

E. A. Reid, Solicitor
Professor R. G. Atkey, Ontario Law Reform Commission
Professor G. M. Thomson, Faculty of Law, University of Western Ontario
Hume Cronyn (lay member)

Victoria & Haliburton Counties

Melvin J. Cunningham, Q.C. (deceased)

Welland County

Joseph L. Rosberg (lay member)
W. H. Waugh, Solicitor

York County

Alex Chumak, Probation Officer
Donald R. Montgomery, Toronto & Dist. Labour Council
R. S. Montgomery, Q.C.
Stephen Borins, Solicitor
Ronald G. Atkey, Solicitor
R. Nellis Starr, Q.C.

Grey County

M. A. Craig, Q.C.
J. Ian McKay, Solicitor
G. K. Crockford, Solicitor
Hon. W. T. Harris, Q.C.
George F. Garner, Solicitor
Donald M. McKerroll, Q.C.

Frank W. Olmstead, Solicitor
Mortimer A. Abrams, Q.C.
R. Philip Horton, Solicitor
William P. Telford, Q.C.
(reconstituted at Annual Meeting of Grey Co. Bar Assn.)

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 8th day of February, 1973 at 9:30 o'clock in the forenoon, the following members being present: Mr. Nathan Strauss (Acting Chairman) and Messrs. Bowlby, Cory, Evans, Fennell, FitzGerald, Grange, Griffiths, Krever, Lochead, Morden, Pallett, Seagram, Thom and Wallace.

A Toronto lawyer asked your Committee whether it is permissible for a law firm to send form letters to its current clients relating to matters which may be, but not necessarily are, of interest to them. As an example he cited legislation recently introduced in the Ontario Legislature relating to citizenship of directors of Ontario companies that may be of interest to some of a firm's corporate clients, but it would be a very time consuming matter to write to each client individually bringing this kind of amendment to his attention.

Another example of such communication with clients would be a form letter to all clients outlining amendments to the Income Tax Act and other taxing statutes

Your Committee instructed the Secretary to advise the solicitor that as long as the law firm's communications were confined to their current clients it could see no objection.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. H. E. Harris

Your Committee met on Thursday, the 8th day of February, 1973, the following members being present: Messrs. Grange (Acting Chairman), Carley, Seagram, Wallace and Zahoruk, and Miss A. R. McCormick. Mr. Krever also attended by invitation.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to January 31, 1973 were approved.

ANNUAL INVENTORY OF TEXT BOOKS

In the year 1972, two text books were taken from the Great Library without permission and have not been returned. Of texts taken in previous years, eleven were returned.

Comparative figures for the past five years are:

	Missing	*Returned*
1967	6	6
1968	5	13
1969	3	13
1970	6	3
1971	5	7

Texts taken during 1972 and not returned are as follows:

Fridman, G. H. L.—Studies in Canadian business law. Toronto, Butterworths, 1971. 100615

Wilkinson, Arthur—Your Canadian law; legal and business rights for everyone. (Rev.) Toronto, Musson Book Co. in association with Hodder and Stoughton (1969). 96698

Noted

BOOK LIST

A list of books purchased recently is submitted for the approval of the Committee.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1972. The amounts of the grants which they should receive under the Rules in 1973 and those which they received in 1972 are as follows:

	1972	*1973*
Bruce	$1,040.00	$ 980.00
Stormont, Dundas & Glengarry	$1,105.32	$1,145.00

Approved

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON ERRORS AND OMISSIONS INSURANCE—Mr. O'Brien

Your Committee was appointed on the 20th of October, 1972 for the purpose of considering and making recommendations in particular matters as they arise in connection with the Society's Errors and Omissions Insurance Plan.

Your Committee met on Thursday, the 30th of November, 1972 at 2 p.m., the following members being present: Mr. O'Brien, Chairman, Mr. Griffiths, Vice-Chairman, and Messrs. Cory, Grange and Lochead. Mr. R. W. Hatton and Mr. F. T. Holman of J. H. Minet & Co. Ltd. and Messrs. Maltman and Doner and Miss Morham, the Society's adjusters, were present at the Chairman's invitation.

1. A solicitor in the employ of the Municipality of Metropolitan Toronto was found to have been negligent in the discharge of his duties and liable to his employer in damages. It raises the question whether the Society's Errors and Omissions Insurance should be compulsorily extended to cover all practising members of the Society whether or not they are employed by Government or private industry. Letters are before the Committee from A. P. G. Joy, Q.C., solicitor, and Mr. Peter Norman, the Society's consultant.

The Society's brokers will inquire of the underwriters their attitude to the deletion of exclusion 11(b) from the terms of insurance and meanwhile your Committee recommends that the present arrangements continue.

2. The Committee is asked to consider the following situation:

In a firm made up of several partners one partner has knowledge prior to January 1st, 1972 of a possible claim arising out of his own actions but neither gives notice of it to the insurer in time nor advises his partners of the situation. The insurer is in a position to deny liability to the negligent partner because of his failure to give notice. What is the position of the partners who are covered by the present policy and who gain knowledge of the incident during the currency of the present policy?

Your Committee concludes that the present insurer owes a duty to the "innocent" partner, and that possibly there is a right of subrogation which should be pursued by counsel.

3. There have been a number of instances where members of the profession have neglected to give the adjuster the cooperation and assistance required by Clauses 4(d) and 12(a)

of the provisions of insurance with the result that they have lost or have been liable to lose the protection afforded by the insurance both for themselves and for the public. It has been suggested that an amendment to the Law Society Act be sought to provide specifically in such cases that a Trustee with limited but sufficient powers might be appointed to obtain and give the adjuster what information he can from the member's records. There is some indication that the insurers would accept this kind of co-operation by the Society as a sufficient compliance with the requirements of the policy so that coverage would continue at least for the benefit of the public.

Your Committee recommends that the matter stand referred to the Professional Conduct Committee with a view to passing a Professional Conduct ruling making it professional misconduct for a member to throw away the protection the insurance affords members of the public.

4. What, if any, assistance should the Law Society provide where members are liable for claims within the deductible limits but are financially unable to pay? Could loans, secured by notes, be made on behalf of the members out of the administration and contingency fund so that the public would be protected?

Your Committee recommends to Convocation that legislation be sought to enable the Society to advance funds in an appropriate case taking suitable security and to suspend the rights of a member in default of repayment.

5. A proposal by J. H. Minet & Company is before the Committee with respect to excess insurance.

Your Committee advised the Society's brokers that they are free to approach members of the Society but that the matter would not be referred to in the Society's letter to the profession respecting the continuation of coverage in 1973.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on the 31st day of January, 1973, the following members being present: Mr. Terence Sheard, Chairman, and Messrs. Cassels, Morden and Pepper.

J. Shirley Denison Bequest — Terms of the Trust

Your Committee noted that Mr. J. Shirley Denison had died in 1951 leaving his estate to his sister for life with the remainder to the Law Society on the following trust:

> "...My Trustee shall after my sister's death pay to or deliver to the Law Society of Upper Canada the residue of my estate the same to be applied from time to time by the Treasurer and Benchers and both as to capital and income as they may see fit for the relief of impoverished or indigent members of the Law Society and of their wives widows and children including among such wives widows and children those of any member of the Law Society who may have been disbarred or suspended."

Mr. Denison's sister died in 1968 and the Law Society became entitled to the residue of the estate which was transferred to it. The fund consists of securities having a market value of approximately $198,000.00 which yield approximately $14,000.00 per year in income. More than twenty-one years have elapsed since Mr. Denison's death. The Society has not been able to distribute the income fully though it has published the terms of the trust from time to time and invited applications for grants.

Your Committee considered the question whether grants could be made within the terms of the trust to needy students in the Bar Admission Course. At the time of Mr. Denison's death the term "members of the Law Society" would have included students in Osgoode Hall Law School. The term "student member" was not used then but began to be used in The Law Society Act, 1970.

Your Committee has asked Mr. E. J. Huycke, Q.C., for his opinion whether grants can properly be made to needy students in the Bar Admission Course.

THE REPORT WAS ADOPTED

REPORT OF THE SUB-COMMITTEE OF THE PROFESSIONAL CONDUCT COMMITTEE ON "PREPAID LEGAL COSTS INSURANCE"—Mr. Cory

In the Report of the Professional Conduct Committee to the January Convocation, it was recommended that the Sub-Committee's Report be adopted. The matter was not discussed at the January Convocation but was stood over for consideration in February.

Mr. Cory presented the Report of the Sub-Committee of the Professional Conduct Committee on "Prepaid Legal Costs Insurance":

REPORT OF THE COMMITTEE ON "PREPAID LEGAL COSTS INSURANCE"

COMMITTEE—W. David Griffiths,
Peter deC. Cory, S. G. M. Grange

THE ASSIGNMENT

Attached is a letter dated January 26, 1972 from Mr. M. A. Thompson, Deputy Superintendent of Insurance, addressed to the Treasurer advising that the Department of Insurance had just received an inquiry from a licensed insurer with respect to the feasibility of providing a Prepaid Legal Costs Insurance plan in Ontario. Attached to this memorandum as well are copies of other letters; May 31, 1972 and June 15, 1972 received from Mr. Thompson.

In his letter of January 26, Mr. Thompson answers some of the inquiries raised, that is, whether such offering is "insurance" within the meaning of The Insurance Act and whether any amending legislation is necessary and that a new class of insurance for licensing should be created. Mr. Thompson, in essence, seeks the views of the Society as to whether such coverages should be permitted ont he possibility of any conflict with any existing Ontario plan.

OTHER SOURCES OF INFORMATION ON THE SUBJECT

We have reviewed a paper on the subject by Bernd Warnat, a graduate student of Osgoode Hall Law School. Mr. Griffiths has been in touch with Mr. Jack Berkow who is associated with the Canadian Consumer Council and who has been asked to carry out some research on the subject by the Federal Government. Attached is a letter from Mr. Berkow dated August 8, 1972, listing bibliographical material on the subject. Warren Winkler of the Montgomery Cassels firm has been appointed Chairman by the Ontario Bar Association to investigate and study the whole matter of Prepaid Legal Services and would like to work in liaison with us. We have reviewed a handbook, some 400 pages in length put out by the American Bar Association under the title of "Prepaid Legal Services".

WHAT IS PREPAID LEGAL COSTS INSURANCE?

Prepaid Legal Services means a system in which the costs of possible legal services needed in the future are prepaid in advance by, or on behalf of the client who receives such services. The Plan is generally offered on a group basis; i.e. to union members. The principle is that basic to any insurance risk, that is, that the combined payments are pooled and the risk is then spread between users and non-users, thereby decreasing the overall costs.

PURPOSE OF THESE PLANS

Notwithstanding the fact that most of our provinces have a legal aid plan for low income groups, there are many who contend that our present system of legal services does not function effectively in the large area of middle class Canadians who fear the alleged high cost of consulting a lawyer. A lawyer is retained by these people only when there is trouble in the form of a Writ of Summons or a criminal charge. Further, it is suggested that many lawyers do not encourage clients to discuss their total range of legal problems but deal only with the narrow and specific crises at hand. It is theorized that the Prepaid Legal Plan would help to remove the fear of cost of consultation and encourage what is described as the practice of "preventive law".

THE RESPONSE TO THE IDEA IN THE UNITED STATES AND CANADA

The American Bar Association has gone all out on the subject and it would appear from the handbook mentioned above that at State and local Bar levels, there has been a noticeable upsurge of interest by associations since 1971. Practically all the States now have committees exploring Prepaid Legal Service Plans that allow free choice of lawyers. The Shreveport Bar Association (Shreveport, Louisianna) has a plan in operation which is largely sponsored and supported by a local union. The Los Angeles County Bar has a plan which it underwrites and operates itself. To add to this, there are several plans in operation in California; some are union negotiated and others have been arranged by non-union groups. In Chicago the Amalgamated Clothing Workers have a plan in effect. The Shreveport Plan partially funded by The American Bar Association and partially by The Ford Foundation, started in January 1971 for 600 union members and their families. The members contribute 2c per hour. Attached is a section taken from the A.B.A. Handbook which sets out a comparative analysis of the various legal service plans in operation.

In the United States, the Labourers' Unions, particularly the Teamsters and perhaps the Longshoremen, seem most interested in providing legal services and there are a number of plans under consideration which will be sponsored by American Unions.

The Canadian Bar Association has shown some interest. In a speech last year, Mr. John L. Ferris of Vancouver, the C.B.A. President, said that the increasing complexity of our law will boost the demand for legal services and he singled out the complicated new tax legislation as an example. He emphasized as well that many people put off consulting a lawyer on estate matters and as a result there is an alarmingly high proportion of persons who have not even made wills because they expect it will cost them a big legal fee. In many cases, legal advice does not cost a great deal (so he says) but the profession recogizes it is difficult to disabuse people of this view and he felt that Prepaid Legal Services would at least help remove the cost as an impediment to seeking a lawyer and from the lawyer's standpoint, there would be less concern about collecting their fee. In his speech he pointed out that the United States plans are too new to provide a clear guide to what form such schemes may take in Canada. Most have been in effect for only a year or two and data on the plans is still being collected and analyzed. As indicated earlier, the Ontario Branch of the Canadian Bar Association has set up a committee to study the question of costs of legal services under the chairmanship of Eric Winkler.

PILOT PROJECTS

The Shreveport Bar Plan which has been in operation in Shreveport, Louisianna, for the longest period, is probably the best one to illustrate the coverage provided. The services offered under that plan are as follows:

1. Advice on any subject of a legal nature from any attorney of choice who subscribes to the rules of the programme for which the attorney will be paid not more than $25 per visit, for consultation, not to exceed $100 in any one year or case.

2. In the event that preliminary consultation leads to requirement of further legal services, then the attorney will be entitled to reimbursement to a maximum of $250 subject to a $10 deductible for the following:—

   (a) conferences and negotiations
   (b) investigation and research
   (c) letter writing and document drafting or review

3. With respect to judicial and administrative proceedings, the plan pays for preparation and filing of pleadings and attendance at trial up to $325; court costs and witness fees $40; out of pocket expenses and costs, i.e. general disbursements up to $150.

4. Major legal expense benefits are available if the insured party is named as a defendant in a civil suit or is charged with a "felony" or "misdemeanour" or is named as a respondent in any action before any administrative agency of the city, state or federal government up to $800 per family per year.

5. *Exclusions*: —
   - (a) legal fees and expenses in connection with any business venture
   - (b) any proceeding where the trust plan or its administrator is itself involved
   - (c) any case in which the member is a plaintiff or claimant
   - (d) fines and penalties for which a member may be liable
   - (e) charges that are unreasonable
   - (f) filling out of income tax returns
   - (g) class actions
   - (h) any case in which legal representation is provided through a policy of insurance
   - (i) shopping — plan will not pay claims for services when they involve a duplication, same service or advice previously obtained

The Los Angeles Bar has a pilot project under way to provide services to a group of 50,000 California teachers organized as an Association.

Each teacher will voluntarily enroll and authorize an individual payroll deduction for the following benefits offered:—

- (a) at a cost of $30 per year, a prepaid benefit consisting of two hours of advice and consultation (divisible into four segments), the preparation of a simple document such as a nontrust will, and the guaranty of a fixed schedule of fees (payable by the member) for specified matters;
- (b) at an additional cost of $60 per year, a comprehensive benefit of 80% of $2,000 worth of services furnished in accordance with the fixed fee schedules.

No minimum percentage is required for benefit (a) but 25% of the group must enroll before benefit (b) can become operative.

ADVANTAGES AND DISADVANTAGES

The proponents of these schemes argue that Prepaid Legal Costs programmes will provide legal services at a moderate cost to the average Canadian who is presently deterred from going to a lawyer because of the high cost of legal services.

As we see it, there are a number of disadvantages to the schemes.

There are many questions which remain unanswered, particularly on the acturial side. Actuarial data is extremely sparse. The American research has disclosed that neither the profession nor any known agency in the country knows the frequency of certain legal occurrences such as adoptions, real estate transactions, intestacies, or tax audits or for that matter, lawsuits or criminal cases generally. There is no established data as to the frequency of the appearance of the lawyer in any transaction and this makes it very difficult for either a legal body or an insurance company to set up a plan on any realistic basis. One of the serious questions which would have to be settled is whether the plan should provide partial indemnity towards payment for legal services or provide full cost indemnity. This is one of the areas in which the medical profession has run into much trouble and the payment of 10% by the patients has resulted in much criticism of the Ontaro Medical Association. More important from our point of view, prepaid medical insurance has resulted in the Government exercising indirect controls over the fees chargeable by doctors for any specific service.

If the plan is to be operated by an insurance company, then obviously the company will expect a reasonable return on its investment and in order to guarantee that return, will probably insist that any fees payable to lawyers be at a reasonably low level. On the other hand, if the Bar Association itself, together with the blessing of the Law Society, attempts to undertake this plan, it will involve a tremendous administrative process replete with uncertainties as to the costs of such plans in the absence of any solid actuarial data.

RECOMMENDATIONS

We should concur with the view of the Deputy Superintendent of Insurance that the coverage wil require new legislation and that the coverage creates a new class of insurance for licensing purposes. On the main issue as to whether insurance companies should be permitted to get into this field and offer such coverages and whether the coverages would conflict with anyexisting Ontario plan, i.e. Legal Aid, we believe that we should not in any way suggest that insurance companies be prohibited from offering what appears to be a very desirable and worthwhile coverage unless we are prepared to offer this service under the supervision of the Law Society and arrange for its funding from sources other than insurance. In our view, this is not practicable at this time.

We recommend that the Superintendent of Insurance be advised as follows: —

1. The Law Society does not oppose the licensing of any insurance company which would offer Prepaid Legal Insurance but we would request the opportunity to assist the Superintendent in the drafting of the required legislation and in the approval of the proposed form of policy.

2. We should like to establish certain guidelines for the coverage. Paramount among these is that the policy provide for complete freedom in the choice of lawyers by the insured and that the insurance company in no way be placed in a position whereby it may directly or indirectly recommend the services of any particular lawyer.

3. Any plan of Prepaid Legal Insurance must be administered in such a way that a solicitor acting thereunder would not in any way be in breach of the rulings of the Law Society.

4. The Law Society is prepared to offer the services of a special committee to work in liaison with the Department of Insurance to deal with problems which may arise from time to time with respect to the new insurance coverage.

THE REPORT WAS ADOPTED

Convocation authorized the Treasurer to form a Special Committee on Prepaid Legal Costs Insurance to continue consideration of the whole matter and to maintain liaison with the proper Department of the Government.

CONVOCATION THEN ROSE AT 12:30 P.M.

The Honourable John Yaremko, Q.C., Solicitor General of Ontario, and Mr. Harold R. Poultney, Q.C., Registrar of the Supreme Court of Ontario, were the guests of the Treasurer and Benchers at luncheon.

Read in Convocation and confirmed this 16th day of March, 1973.

Sydney L. Robins
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, 9th March, 1973

10:30 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Carley, Carthy, Cass, Chappell, Common, Cory, Evans, Fennell, FitzGerald, Goodman, Grange, Gray, Griffiths, H. E. Harris, Howland, Krever, Levinter, Lochead, Maloney, MacKinnon, O'Brien, Pallett, Pattillo, Raney, Seagram, Slemin, Sopha, Strauss, Wallace, White and Zahoruk.

Mr. James C. MacDonald, Q.C., Director of the Bar Admission Course, was present at the Treasurer's invitation.

ELECTION OF BENCHERS

Two vacancies occurred in Convocation upon the appointment to the Supreme Court of Ontario of the Honourable Mr. Justice Dubin and the Honourable Mr. Justice Estey.

It was moved by Mr. Maloney, seconded by Mr. Howland, that Mr. P. B. C. Pepper be elected a Bencher to fill one of the vacancies in Convocation. *Carried*

It was moved by Mr. Goodman, seconded by Mr. Cory, that Mr. James J. Carthy be elected a Bencher to fill one of the vacancies in Convocation. *Carried*

APPOINTMENT TO STANDING COMMITTEES

It was also necessary to fill certain vacancies which had occurred on Standing Committees.

It was moved by Mr. Fennell, seconded by Mr. Pattillo, that Mr. P. B. C. Pepper be appointed to the following Standing Committees:

Admissions
Discipline
Professional Conduct
J. Shirley Denison Bequest

and that Mr. James J. Carthy be appointed to the following Standing Committees:

Legal Education
Discipline
Professional Conduct
Unauthorized Practice *Carried*

HONORARY DEGREE

It was moved by Mr. MacKinnon, seconded by Mr. Maloney, that the Degree of Doctor of Laws *honoris causa* be conferred upon Mr. *Arthur Allison Wishart, Q.C.*, and that he be invited to address the graduating class at the Call to the Bar Ceremony on 23rd March, 1973. *Carried*

SPECIAL COMMITTEE ON LEGAL EDUCATION

Convocation received the Report of the Special Committee on Legal Education on 20th October, 1972. Its adoption was not moved at that time and no discussion of it took place. On 19th January, 1973, Convocation adopted a resolution that a special meeting of Benchers with representatives of the County and District Law Associations and others whom the Treasurer should decide, be convened to discuss the Report before Convocation made any decisions. This meeting was held on 5th March, 1973.

Prior to the meeting the Report of the Special Committee on Legal Education had been given wide circulation. Many letters and numerous submissions were received from individual members of the profession, law schools, universities, professional bodies and other interested parties and institutions, not only in this province but from other parts of Canada as well. Copies of all material received were supplied to the Benchers before they were called to Special Convocation to consider the Report.

The Report of the Special Committee on Legal Education is now before Convocation for consideration.

It was moved by Mr. MacKinnon, seconded by Mr. Krever, that Recommendations 1 to 9 be adopted.

Each recommendation was then considered and voted upon separately.

Recommendation 1 — Legal Education Council

It was moved by Mr. Pattillo, seconded by Mr. Cass, that the words "subject to the availability of adequate financing" be added after the word "established" in the first line.

Carried

Recommendation 1 as amended to be read as follows:

> "That a Legal Education Council be established, *subject to the availability of adequate financing*, consisting of a representative from each law school in Ontario, six representatives from the Law Society of Upper Canada, two of whom will be chosen by the Ontario Branch of the Canadian Bar Association, the Director of the Bar Admission Course, three student representatives from the Ontario law schools, and two lay representatives. The first priority of the Legal Education Council would be to review admissions policies and procedures of the law schools, after obtaining the necessary information and statistics, and to report annually with recommendations to the Law Society and the law schools. The Council, as it gains in experience, will also be charged with the general responsibility of reviewing legal education and making recommendations for its improvement." *Carried*

Recommendation 2 — Secondary Education

It was moved by Mr. Pattillo, seconded by Mr. Cass, that Recommendation 2 be adopted as follows:

> "The final year of education in Ontario 'Grade XIII' confers no discernible benefit on Ontario students when compared with students from other provinces on entering an LL.B. programme. Should the Province propose to discontinue Grade XIII the Committee sees no reason to oppose the change." *Carried*

Recommendation 3 — Pre-Legal Education

It was moved by Mr. Maloney, seconded by Mr. Goodman, that Recommendation 3 be adopted as follows:

> "The current regulations permitting students to enter law school after two years of university work should be retained and by concerted action of the law schools made workable. It is recommended that—with advance warning during a transition period, and with publicity and information to students in the final years of high school and first and second year of university — the law schools adopt *as an ideal* a policy whereby 50 per cent of the places in first year law *may be* occupied by students with no more than two years of university work, *such students to be of at least equal academic competence to those successful candidates who have had more than two years university training.* A reasonable target date for achiev-

> ing this stage is five years from the approval of this report. The new Legal Education Council should monitor the programme and suggest adjustments to the proportion of two-year students as circumstances demand." *Carried*

Recommendation 4 — Mature Students

It was moved by Mr. Goodman, seconded by Mr. Lochead, that Recommendation 4 be adopted as follows:

> "The law schools and the Law Society should recognize a category of 'mature student' applicants, who have not met the normal pre-law school requirements of university work. Law schools should waive the normal requirements and admit those mature students who on the basis of age, experience, maturity and outstanding qualities as evidenced by their previous careers merit an opportunity to study law." *Carried*

Recommendation 5 — Legal Education for Native Peoples

It was moved by Mr. Cory, seconded by Mr. Grange, that Recommendation 5 be adopted as follows:

> "The law schools and the Law Society actively encourage native Canadians to pursue careers in law. Through the Legal Education Council they should undertake a programme of recruitment, where appropriate waive the formal requirements for entrance as with mature students and seek the provision of special assistance." *Carried*

Recommendation 6 — Five-Year Programmes

It was moved by Mr. Goodman, seconded by Mr. Maloney, that Recommendation 6 be adopted as follows:

> "University law schools should be encouraged to examine the possibility of establishing a joint five-year programme leading to a Bachelor of Arts, Science or Commerce degree as well as an LL.B. If it is not feasible to mount programmes for joint degrees with participation of other university faculties, the law schools should explore a five-year programme from high school leaving, leading to one degree, but introducing some legal subjects ordinarily taught in the LL.B. programme in the first two years and extending some non-legal subjects into the normal LL.B. portion of the programme." *Carried*

Recommendation 9 — Professional Responsibility and Ethics

It was moved by Mr. Griffiths, seconded by Mr. Cass, that Recommendation 9 be adopted as follows:

"The law schools and the Bar Admission Course should emphasize professional responsibility and ethics systematically within their teaching programmes." *Carried*

Recommendation 7 — Articling

Recommendation 8 — The Bar Admission Course

It was moved by Mr. Howland, seconded by Mr. Cass, that:

(1) Convocation defer its final decision on articling until its regular meeting in October, 1973, so that further consideration can be given to alternative ways to provide in-office training.

(2) No changes be made in the present system of twelve-months' service under articles for the year from September 1st, 1973 to August 31st, 1974. *Lost*

Convocation adjourned for lunch at 1:00 p.m. and resumed at 2:00 p.m., a quorum being present.

It was moved by Mr. MacKinnon, seconded by Mr. O'Brien, that: Convocation adopts in principle that a compulsory period of service under articles no longer be required, but postpones its implementation for two years to allow the profession, the law schools and the law students time to adapt to the new circumstances and to consider alternatives to compensate as much as possible for the elimination of compulsory articling. *Lost*

It was moved by Mr. Pattillo, seconded by Mr. FitzGerald, that: Convocation regrets that a period of service under compulsory articles may no longer be possible but postpones a final decision until the October Convocation and if such decision be in favour of the abolition of articling, that implementation of such decision be postponed for a further two years to allow the profession, the law schools and the law students to adapt to the new circumstances and to consider alternatives to compensate as much as possible for the elimination of articling. *Carried*

CONVOCATION THEN ROSE AT 3:30 P.M.

Read in Canvocation and confirmed this 27th day of April, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 16th March, 1973

10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carthy, Cass, Chappell, Cory, Evans, Fennell, Finlayson, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Lochead, Morden, MacKinnon, O'Brien, Pattillo, Pepper, Seagram, Strauss, Wallace and Zahoruk.

Miss Mary E. Aitken and Mr. Karl M. Sepkowski, lay members of the Law Society Council, attended at the Treasurer's invitation.

The Minutes of Convocation of 16th February, 1973, were read and confirmed.

The Treasurer announced with regret the death of Mr. Albert Grenville Davis, Q.C., of Brampton, on 16th February, 1973. Mr. Davis was called to the Bar in 1916 and practised law in Brampton until a few years ago, and was still consulted in cases until a few months ago when his health began to fail. In 1955 he was joined in practice with his son, William, the present Prime Minister of Ontario. Mr. Davis was first elected a Bencher of the Society in 1936 and became a Bencher Ex-Officio in 1951, and an Honorary Life Member in 1966.

SPECIAL COMMITTEE ON PREPAID LEGAL COSTS INSURANCE

The Treasurer reported that as authorized by Convocation in February he had formed a Special Committee on Prepaid Legal Costs Insurance comprised of Messrs. Griffiths (Chairman), Cory, Grange, Lochead and White.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 8th of March, 1973, at 2:30 p.m., the following members being present: Mr. B. J.

MacKinnon, Chairman, and Messrs. Borins, Carley, Cass, Cory, Griffiths, Grange, Gray, Howland, Pattillo, Sheard, Slemin, Sopha and R. F. Wilson.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Bar Admission Course Faculty Appointments: The following appointments to the Bar Admission Course Faculty for the 14th teaching term are recommended for the approval of the Committee:

Criminal Law: Robert J. Carter to continue as Head of this Section, and the following instructors to either continue or be appointed:

Mr. J. W. Austin, Mr. Clive Bynoe, Mr. A. G. Campbell (new), Mr. Ian Cartwright, Mr. A. M. Cooper, Mr. J. D. Crane, Mr. E. L. Greenspan, Mr. E. M. Haines, Mr. Monte Harris, Mr. D. R. H. Heather, Mr. Stanton Hogg, Mr. J. A. Hoolihan, Mr. G. P. Johnstone (new), Mr. W. E. MacDonald, Q.C., Mr. William Mackie, Mr. Morris Manning, Mr. R. M. McLeod, Mr. N. D. McRae, Q.C., Mr. R. G. Murray, Mr. C. M. Powell, Mr. R. E. Salhany, Mr. E. L. Schofield, Mr. M. R. Siegal, Mr. R. G. Thomas, Mr. A. C. Whealy.

Approved

Summer School: The next logical step in the development of our Continuing Education Series is the extension of our three-day programmes into week-long "Summer Schools". One of the weaknesses of the three-day format is that it does not allow sufficient time for the exploration of topics in depth, or the re-enforcement of learning through reflection and continuous redirection into new areas of enquiry. A course of a week's duration would provide these opportunities by permitting a better spacing of the lectures and giving the registrants time to think about problems, question instructors, complete assignments and compare answers and opinions. From time to time over the last three years, our department has considered the feasibility of these sessions and it is our opinion that our one-day, two-day and three-day programmes have made the profession and our administration ready for this development. Indications of the readiness of the profession have come to us through requests for more advanced programmes and greater opportunities for sustained participation and "feed-back". It is our opinion that this need in the profession should be met and that the Law Society should maintain its leadership in Continuing Education by taking the initiative as soon as possible.

In the last three years we have considered several suggestions but more recently have concentrated on two areas. Preliminary discussions conducted with the Heads of the Bar Admission Course Sections in Criminal Law and Income Tax have now reached the point where we should have authorization from your Committee to pursue our discussions with a view to carrying out detailed planning of a week-long course in Criminal Procedure and a second course in Income Tax for presentation this summer. *Approved*

Review of "Recent Federal and Ontario Legislation"

The Committee is asked to decide whether publication of the Recent Federal and Ontario Legislation is to be continued. Mr. Peter deC. Cory is the editor. It has a circulation of approximately 106.

Your Committee recommends that Mr. Cory be asked to continue producing the Review; that a copy be sent to each member and that they be asked to indicate whether they wish to continue receiving it.

PETITION

Allen Benson Lorriman is a member of the 14th Bar Admission Course which will be called to the Bar on the 23rd of March. He asks that he be permitted to sign the Rolls before March 21st and be called to the Bar in June. A letter is before the Committee describing the circumstances leading to his request.

Your Committee recommends that the matter be referred to Convocation for decision on March 16th.

Articling Placement: In our articling placement service there are fourteen Toronto positions and thirty-two out-of-Toronto positions listed and available for students graduating from law schools in April or May.

Graduate Placement: Our service lists twenty positions available for graduates in Toronto and thirty-eight positions out of Toronto. We have on file for these positions applications from 150 students. Not all of these applications are active — some of the applicants may have found jobs and have not thought to advise us. Another reason for the 150 figure not necessarily representing those still looking for positions, lies in the fact that since the end of the teaching term many of the students have been contacting the firms directly rather than applying through our office, and we have no way of knowing how many they number.

Student Awards: During this academic year we have processed 332 applications for financial assistance under the Canada Student Loans Act and the Ontario Student Awards Programme.

Amounts on loan were made available to 280 students and grants were awarded to 91 students. There were 52 students who applied and were refused assistance. Details of the total amounts awarded will be provided in a later report prepared after the end of the Government's fiscal year when the computer returns are received.

During this academic year 30 Reviews were processed.

Printing Department: During the month of February, our Printing Department maintained a high volume of production by reaching 1,018,320 impressions.

Special Inter-Provincial Presentation: On Friday, February 9th, 1973, Mr. Archie G. Campbell gave a special lecture to the students in the Manitoba Bar Admission Course on the subject of Bail Reform. To facilitate this presentation, the Bar Admission Course Administrators in Manitoba were provided with the videotape demonstrations of the new Bail Reform Act as well as the reference materials prepared for the Continuing Education Programme conducted on January 29th, 1972. On the following day, Mr. Campbell travelled to Flin Flon, Manitoba, to take part in a seminar on the same subject for the benefit of members of the Manitoba Bar practising in Flin Flon and surrounding territory. During a recent visit to Toronto, Mr. Hersh Welch, Director of the Manitoba Bar Admission Course, and Mr. Perry Schulman, Director of the Institute for Continuing Legal Education in Manitoba, commended Mr. Campbell for his efforts on both occasions.

Publication of Articles on Continuing Education in the Law Society Gazette: Although members of the Law Society receive, on a regular basis, announcements of the programmes to be held and publications available for purchase, the Department would like to further inform the profession on the nature, scope and intended future of continuing education in relation to each of its various activities. On the basis of recent discussion with Mr. John Honsberger, Q.C., an article of an historical nature relating to continuing education will be published in the June, 1973, issue of the Gazette. It is intended that this be the first of a series of such articles.

It was moved by Mr. Gray, seconded by Mr. Strauss, that publication of the Summary of Federal and Provincial Legislation be discontinued. This was *lost.*

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 8th day of March, 1973, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Borins, Grange, Lochead, MacKinnon, Pattillo, Sheard, Slemin and Sopha.

Call to the Bar and Certificate of Fitness

Bar Admission Course

The following candidate, having successfully completed the Thirteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Richard Patrick Robin Saul

Approved

Special

The following candidates, having filed the necessary papers and complied with the requirements of the Admissions Committee in their particular case and paid the required fee of $200, are now entitled to be Called to the Bar and to be granted a Certificate of Fitness:

Brian James Arnold: Special — Faculty of Law, University of Western Ontario.

Scott Ian Bushnell: Special — Faculty of Law, University of Western Ontario.

Philip Stewart Elder: Special — Faculty of Law, University of Western Ontario.

Peter Wardell Hogg: Special — Faculty of Law, Osgoode Hall Law School.

Denis Norman Magnusson: Special — Faculty of Law, Queen's University.

Manabharana Lakshman Marasinghe: Special — Faculty of Law, University of Windsor.

Surya Prakash Sinha: Special — Faculty of Law, University of Western Ontario. *Approved*

Transfer from another Province

The following candidate, having passed the examination set by the Examining Board, filed the necessary documents and paid the required fee of $411, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Ronald Lloyd Bowman	Sasakatchewan

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Three candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972, and were admitted under Bar Admission Course Regulation 26(5).

COMMONWEALTH TRANSFERS

Your Committee gave consideration to three petitions. Two petitioners — one still in active practice in Kenya and the other a solicitor from West Pakistan — requested permission to proceed under Regulation 7. The first solicitor met the requisite qualifications and his petition was granted. The second was unable to meet the qualifications and his petition was refused.

The third petitioner had earlier failed the Society's preliminary examination and had been granted permission to sit the examination a second time, although he did not proceed to do so. Accordingly when he recently enquired if he might now write the examination, the Secretary was instructed to find out the reason for his delay. In response the petitioner asked the Society's assistance in obtaining landed immigrant status in Canada. Your Committee recommends he be advised the Society cannot assist him in respect of his immigration problem.

THE REPORT WAS ADOPTED.

It was moved by Mr. MacKinnon, seconded by Mr. Grange, that Mr. *Allen Benson Lorriman* be advised that he may be called at the regular Convocation in June and that the Secretary in consultation with the Chairman of the Admissions Committee exercise discretion to deal with further applications. This was *carried.*

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 8th day of March, 1973, at 3:30 p.m., the following members being present: Messrs. Gray (Chairman), Fennell, Howland, MacKinnon, Pattillo, and R. F. Wilson.

ACCOUNTS

The Secretary reports that from 1st February, 1973, to 28th February, 1973, accounts (including Library Accounts), properly approved, to the amount $133,593.02 have been paid. *Noted*

FINANCIAL STATEMENT, 1st September, 1972, to 28th February, 1973

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September, 1972, to 28th February, 1973. *Approved*

ROLLS AND RECORDS

The Secretary reports:

Appointment to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office on 23rd February, 1973:

Willard Zebedee Estey, Q.C., Toronto: Called — 18 September 1947. Appointed Judge, S.C.O., 22 January 1973.

Charles Leonard Dubin, Q.C., Toronto: Called — 15 June 1944. Appointed Judge, S.C.O., 22 January 1973.

David Howard Woodhouse Henry, Q.C., Ottawa: Called — 18 June 1942. Appointed Judge, S.C.O., 29 January 1973.

Dennis Francis O'Leary, Q.C., Hamilton: Called — 25 June 1953. Appointed Judge, S.C.O., 29 January 1973.

The membership of the following will be placed in abeyance upon his assuming office on 9th March, 1973:

Goldwin Arthur Martin, Q.C., Toronto: Called — 16 June 1938. Appointed Judge, S.C.O., 14 February 1973.

The membership of the following will be placed in abeyance upon his assuming office:

Allen Henry Hollingworth, Q.C., Toronto: Called — 29 June 1948. Appointed County Court Judge, County of Peel, 25 January 1973. *Noted*

Deaths

The following members have died:

Albert Grenville Davis, Q.C., Brampton (Bencher Ex-Officio)	Called—14 September 1916; Deceased—16 February 1973.
Miss Vera Lillian Parsons, Q.C., Toronto	Called—11 September 1924; Deceased—18 February 1973.
William Albert Reeve, Ottawa	Called—15 October 1931; Deceased—17 February 1973.
David Alkin Robinson, Q.C., Hamilton	Called—6 September 1926; Deceased—24 February 1973.
John Francis Smith, Toronto	Called—18 September 1930; Deceased—25 Sept. 1972.
Redmond Morton Shannon Thomas, Q.C., Bracebridge (Hon. Life Member)	Called—6 February 1919; Deceased—28 February 1973.
Frank Lindsay Bastedo, Q.C., Victoria, B.C. (Hon. Life Member) (Former Lt.-Gov. of Saskatchewan)	Called—21 May 1909; Deceased—15 February 1973.

Noted

MEMBERSHIP RESTORED

Mrs. Margaret Fasken Baird Campbell, Q.C., Toronto, gave notice under Section 31 that she had resigned as Provincial Judge (Family Division) for the County of York and wished to be restored to the Rolls of the Law Society. Accordingly, her membership has been restored effective 2nd March, 1973. *Noted*

RESIGNATION

Keith Emerson Eaton of Halifax applies for permission to resign his membership in the Society and submits his Declaration in support. Mr. Eaton requests that he be relieved from the requirement of publication in the *Ontario Reports*.

Approved

CHANGE OF NAME

The following petitions are before the Committee:

Shirley Joanne Parks, a solicitor practising in Ottawa, requests that her named be changed on the Rolls of the Society to *Shirley Tucker Parks.*

Yvonne Adele Liljefors requests that her name be changed on the Rolls of the Society to *Yvonne Adele Apperley Liljefors*, thus including her maiden name.

Mary Louise Elizabeth Villemaire Park requests that her name be changed on the Rolls of the Society to *Mary Villemaire Park.*

Sophia Irene Tershakowec requests that her name be changed on the Rolls of the Society to *Sofia Irene Tershakowec.*

Edward Friedman appears on the Rolls of the Society under the name Edward Friedman. His Citizenship Certificate shows his name as *Icek Frydmann.* He wishes to be called to the Bar and shown on the Rolls of the Society as *Edward Friedman.* *Approved*

LIBRARIES AND REPORTING COMMITTEE

County Library Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual returns for 1972, and one Association which has sent in its return for 1971. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Cochrane Law Association

The Cochrane Law Association has asked the Libraries and Reporting Committee for a special grant under Regulation 35 of The Law Society Act for the purpose of buying books. The Chief Librarian is recommending that a special grant be made to this Association in the amount of $4,216.20.

A memorandum prepared by the Chief Librarian and a brief submitted by the Cochrane Law Association are before the Committee.

Approved, subject to the approval of the Libraries and Reporting Committee.

THE REPORT WAS ADOPTED.

Mr. Gray, presented the Report of the Finance Committee dated 27th February, 1973.

Your Committee met on Tuesday, the 27th day of February, 1973, at 2:30 p.m., the following members being present: Messrs. Gray (Chairman), Cartwright, Howland, Levinter, MacKinnon, Sheard and Thom.

BUDGET CONTROL

The Society is seeking a Finance Administrator who would be responsible to the Finance Committee and Convocation for the over-all direction and control of the Society's finances. The Committee had before it a letter from Haskins & Sells Associates, Management Consultants, who would advertise for such a person, receive applications, conduct initial and secondary screenings of material submitted, interview candidates and refer to the Society those who appear to be capable of fulfilling the required duties. The Committee instructed the Secretary to engage Haskins & Sells Associates at a cost of approximately $2,600 to perform the functions described in their letter of the 7th of February, 1973. The choice of a successful candidate was referred to the Chairman with power to act.

ASSISTANT SECRETARIES

Your Committee approved of Mr. Stephen E. Traviss, who has now completed the Bar Admission Course and will be called to the Bar in March, being appointed to the Secretary's staff as an Assistant Secretary as of the 26th of March, 1973.

Your Committee approved of Mr. Peter Brooke Bell being appointed to the Secretary's staff as an Assistant Secretary in place of Mr. John Lytle who is leaving the Society's employ at the end of June, 1973. Mr. Bell was called to the Bar on 20th September, 1956, and is presently a partner in the firm of Manning, Bruce, Macdonald and Macintosh, Toronto.

THE REPORT WAS ADOPTED.

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 8th day of March, 1973, at 9:30 o'clock in the forenoon, the following members being present: Mr. A. E. M. Maloney (Chairman), Mr. F. J. L. Evans (Vice-Chairman) and Messrs. Cory, Fennell, FitzGerald, Grange, Griffiths, Krever, Lochead, MacKinnon, and Strauss, and Mr. K. Jarvis by invitation.

1. *Interest on Overdue Accounts*

In its February report to Convocation, there was included the Committee's recommendation with respect to the following enquiry from a solicitor:

> "Can a lawyer charge interest on the fee portion of his account one month after the rendering of his account at a rate in accordance with the general commercial practice of the area in which the solicitor practices.
>
> "Section 35 of the Solicitors Act, R.S.O. 1970, Ch. 441, permits a solicitor to 'charge interest at a rate of 5 per cent per annum on his disbursements and costs, whether by scale or otherwise from the expiration of one month from demand from the client'. The term 'costs' is not defined in the Act and section 2 of the Act refers to 'fees, charges and disbursements of business done by a solicitor'. It is submitted that 'costs' does not include 'fees'.
>
> "Three factors give rise to this question. First — the recent changes in the Income Tax Act which requires a solicitor to bring into income all fees at the time of rendering. Second — a feeling that a true concept of professionalism revolves around the quality of service rendered and not the free financing of individuals and corporations for whom services are rendered. Third — the fact that notaries and lawyers in Quebec are permitted to charge interest on overdue accounts. (The notaries' practice in Hull is to charge 1% per month on overdue accounts.)"

Your Committee recommended at that time that members of the profession be permitted to charge interest at a reasonable rate from the date of rendering an account, particularly in view of recent changes in the Income Tax legislation. In the fall of 1970, your Committee had obtained an opinion from Mr. John C. Risk with respect to interest on legal accounts and a copy of his opinion was before Convocation.

When that recommendation came before Convocation, some Committee members were concerned that the report did not properly reflect the Committee's reply to this enquiry. The matter was therefore referred back to the Committee for purposes of clarification. Further consideration having been given, your Committee recommends that Section 35 of the Solicitors Act be amended to (1) permit "costs" to include "fees" and (2) to provide that the rate, instead of being 5% per annum, be "equivalent to prime bank interest rate as it exists from time to time". Your Committee further recommends that this question be referred to the Legislation and Rules Committee for immediate consideration.

THE REPORT WAS ADOPTED.

DISCIPLINE COMMITTEE—Mr. Lochead

Re: PERRY CLIFFORD YOUNG, Toronto

The reporter was sworn.

No members of the Committee that heard the matter were present.

The solicitor attended with his counsel, Mr. William Dingwall, Q.C.

The Secretary read the Decision of the Discipline Committee dated 5th March, 1973, wherein the solicitor was found guilty of professional misconduct in that he misappropriated $4,523.85, more or less, which he had received in trust from a client. He had also failed to produce to the Society's auditor the professional records required for his investigation.

Counsel for the solicitor made no submissions with respect to the Decision.

The solicitor, his counsel and the reporter retired.

It was moved and seconded that the Decision be accepted. This was *carried.*

It was moved and seconded that Convocation by Order disbar Perry Clifford Young as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, his counsel and the reporter returned.

The solicitor and his counsel were advised that the Decision of the Discipline Committee had been adopted and that a motion was before Convocation that the solicitor be disbarred. Counsel for the solicitor made submissions respecting penalty and asked that the matter either be adjourned to the autumn or that the solicitor be allowed to resign his membership in the Society.

The solicitor, his counsel and the reporter retired.

The motion was *carried.*

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were Called to the Bar, and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Richard Patrick Robin Saul
Brian James Arnold
Scott Ian Bushnell
Philip Stewart Elder
Peter Wardell Hogg
Denis Norman Magnusson
Manabharana Lakshman Marasinghe
Surya Prakash Sinha
Ronald Lloyd Bowman

Re: BRUCE M. WHITE, Madoc

The reporter returned.

No members of the Committee that heard the matter were present.

The solicitor attended without counsel.

The Secretary read the Decision of the Discipline Committee dated 14th February, 1973. The solicitor was found guilty of professional misconduct in that he failed to reply to letters from the Society in connection with a complaint against his professional conduct.

The solicitor made no submissions with respect to the Decision.

The solicitor and reporter retired.

It was moved and seconded that the Decision of the Discipline Committee be accepted. This was *carried.*

Convocation was advised that within the past four years the solicitor had twice been reprimanded in Committee — once for failure to carry out clients' instructions and failure to reply to letters from the Society, and once for a contravention of certain of the Rules Respecting Accounts.

It was moved and seconded that Convocation by Order reprimand the solicitor and that he be required to pay the expenses of the Society's investigation amounting to $25.

The solicitor and the reporter returned.

The solicitor was advised that the Decision of the Discipline Committee had been adopted and of the motion before Convocation respecting penalty. The solicitor made submissions respecting penalty. The solicitor and the reporter retired.

The motion was *carried.*

The solicitor and the reporter returned. The solicitor was advised that the motion had been carried. He was told of his right to appeal but requested that the penalty be carried out forthwith. He signed a waiver of his right to appeal. The solicitor was reprimanded by the Treasurer.

Re: DANIEL EARL McLEOD, Toronto

The reporter was present.

Those Benchers who sat on the Committee hearing the matter were not present.

The solicitor attended with his counsel, Mr. Claude R. Thomson. Mr. Douglas Carruthers, Q.C., attended for the Society. Counsel agreed to waive reading aloud the Decisions of the Discipline Committee dated 5th June, 1972, and 7th February, 1973.

The Discipline Committee found the solicitor guilty of professional misconduct in that he obtained $10,000 from a client by misrepresenting how the money would be used, falsely reporting to the client with respect to the same and finally misappropriating it. The Committee made similar findings with respect to other substantial sums which the solicitor had obtained from other clients and misappropriated.

The solicitor, both counsel and the reporter retired.

It was moved and seconded that the Decisions of the Discipline Committee be accepted. This was *carried*.

It was moved and seconded that Convocation by Order disbar the solicitor and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

The solicitor, both counsel and the reporter returned.

The solicitor and counsel were advised that Convocation had adopted the Decisions of the Discipline Committee and of the motion before Convocation respecting penalty. Counsel for the solicitor made submissions respecting penalty.

The solicitor, both counsel and the reporter retired.

The motion before Convocation was *carried*.

LEGAL AID—Mr. Bowlby

Your Committee met on Wednesday, the 14th day of March, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Cory, Ferrier, FitzGerald, Gray, Griffiths, Killeen, Lochead, Morden and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of January, 1973.

The Director submitted recommendations with respect to writing-off clients recoveries pursuant to Section 98 (2) of the Regulation.

CONTROLLER'S REPORT

The Controller submitted a Summary of Applications for the 10 months ended January 31st, 1973.

The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan. *Approved*

LEGAL ACCOUNTS OFFICER'S REPORT

The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of February, 1973.

The Legal Accounts Officer submitted a report for the month of February, 1973, with respect to reviews and appeals.

SUB-COMMITTEES RE CARLETON COUNTY PILOT PROJECT ON UNCONTESTED DIVORCE ACTIONS

In March, 1972, James B. Chadwick, Area Director, Carleton County, and Lee K. Ferrier, Solicitor, Toronto, were requested to work out details with respect to a pilot project for the disposition of uncontested divorce actions under the Legal Aid Plan in the County of Carleton.

The purpose of the pilot project was to make use of duty counsel in processing such actions.

At its July, 1972, meeting your Committee recommended that a sub-committee be appointed to review with Mr. Chadwick and Mr. Ferrier the results of the Ottawa Pilot Project.

The Committee has now reviewed an interim report of the Sub-Committee.

The pilot project commenced April 1st, 1972, and the issuing of certificates terminated September 30th, 1972. A total of 76 lawyers in Carleton County volunteered to participate in the project. There were 251 certificates issued. To date petitions have been issued in 75 cases, 11 of which have gone to Judgment Absolute. The total cost per completed case amounted to $328.61. The fee cost per case worked out to $230. net. The combined time of legal aid counsel and legal aid staff was approximately 21 hours per case. The 11 cases were relatively uncomplicated and processed by a very efficient staff guided by James B. Chadwick, Area Director, and Gordon P. Killeen, Q.C.

It is the general consensus of opinion that to operate such a project efficiently a staff would have to be employed on a full-time basis which would increase the administrative cost of the Plan. It was also determined that it took six months to complete an uncontested divorce under the project which does not indicate a time saving. The cost of such a project in non-urban centres would be high, since extra experienced staff would be needed in the Area Director's office and the volume of uncontested divorce cases would be low. In York County with the large volume of applications, the obtaining of a legal advice certificate would present varied complications including the employing of staff, either legal or para-legal in nature.

The Sub-Committee is of the opinion that any cost saving which might ensue from such a project would not justify the erosion of the solicitor-client relationship. This erosion formed the main body of criticism contained in the 55 briefs submitted to the Sub-Committee.

Your Sub-Committee therefore recommends that the Sub-Committee on Tariffs consider fixing an hourly rate in uncontested divorces with a ceiling which would approximate the cost experienced in Ottawa.

CLINICAL TRAINING PROPOSAL — QUEEN'S UNIVERSITY

Professor Ronald G. Price, Faculty of Law, Queen's University, attended the meeting at the invitation of the Committee to discuss his proposal for a clinical training programme involving law students in the Kingston Penitentiary as part of a "correctional law and legal assistance seminar".

Professor Price indicated to the Committee that the proposal was not to be regarded as an application under the provisions of the Legal Aid Regulation respecting Student Legal Aid Societies. He did, however, express the wish to keep the Committee informed concerning the proposal.

After full consideration of the proposal during which the Committee noted similar plans for clinical training projects in other law schools, your Committee recommended that the Treasurer be requested to set up a Committee of Convocation to consider the implications of student legal aid activity undertaken in a clinical training context outside the provisions of the regulation governing Student Legal Aid Societies. The Legal Aid Committee was of the view that the said Committee of Convocation should be composed of members from the Legal Aid Committee, the Unauthorized Practice Committee, the Professional Conduct Committee and the Legal Education Committee.

SUB-COMMITTEE TO REVIEW THE SELECTION OF A LAWYER UNDER THE LEGAL AID PLAN

In January, 1972, a Sub-Committee was appointed to explore means of assisting legal aid applicants to make a more meaningful choice of counsel from existing Legal Aid Panels.

Peter deC. Cory, Q.C., Chairman of the Sub-Committee, forwarded a questionnaire to all members of the County Law Associations in the Counties of York, Middlesex, Carleton, Essex and Wentworth.

Mr. Cory submitted a report to the Committee indicating the results of the questionnaire. Over 1,000 replies were received.

After reviewing the report, your Committee recommended that the following steps be taken:

(a) in the urban centres active and passive lists should be established;

(b) separate active lists should be created for criminal, matrimonial and civil matters other than matrimonial causes;

(c) following each lawyer's name on the active list should be the name of his firm, its address and the year of the lawyer's call to the Bar.

The Director was instructed to advise all Area Directors of the instructions and to have the Area Directors implement the proposals.

A copy of the report is before Convocation.

STUDENT LEGAL AID SOCIETIES — SUMMER EMPLOYMENT

Requests have been received from several of the law schools for permission to employ (on the same basis, or similar basis as last year) law students to continue the work of student legal aid societies over the summer months.

Last year the Committee approved the employment of two law students at each school ($100 per week) together with a contribution for secretarial assistance ($65 per week).

Lyle S. Fairbairn, Assistant Provincial Director, requested the Committee's permission to give early assurances to the law schools that they will receive financial assistance for the coming summer months on a similar basis.

Your Committee approved Mr. Fairbairn's request.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Thunder Bay District

W. E. Bryan, Solicitor, Thunder Bay.

Manitoulin & Sudbury Districts

Roger Barbeau, Area Supt., Sudbury Board of Education.

Temiskaming District
Owen J. R. Smith, Solicitor, New Liskeard.
Bruce A. Clark, Solicitor, Haileybury.

The following *resignations* were noted:
Thunder Bay District
A. A. Kajander, Q.C.

Temiskaming District

Dalton Dean, Q. C.

Wentworth County
John L. Agro, Q.C.
Gerald Griffin, Staff Rep., United Steel Workers Union.

Wellington County

Abraham Acker, Q.C.

Carleton County

Keith E. Eaton, Solicitor.
Captain L. G. Ashwell, Salvation Army.

Ontario County

E. Paul Coath, Q.C.

Algoma District

Henry M. Lang, Q.C.
David M. Norman, Solicitor.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON CLINICAL TRAINING IN LAW SCHOOLS

The Treasurer appointed Mr. Cory (Chairman) with Messrs. Borins, Cooper, Grange and Griffiths a Special Committee on Clinical Training in Law Schools.

LIBRARIES AND REPORTING COMMITTEE

— M. H. E. Harris

Your Committee met on Thursday, the 8th day of March, 1973, the following members being present: Messrs. Harris (Vice-Chairman), Grange and Maloney, and Miss A. R. McCormick. Mr. Krever also attended by invitation.

Great Library

Accounts

Expenditures by the Great Library up to February 28th, 1973, were *approved.*

Gifts and Donations

The following donations have been received:

W. C. Davidson, Esq., Q.C., Toronto: A total of 94 volumes of Reports, Digests and Texts which will be useful as replacement copies.

John H. Harrison, Esq., Q.C., Delhi, Ontario: A number of loose parts of the Periodical *Municipal World* comprising three complete volumes and one partial volume.

John D. Honsberger, Esq., Q.C.: Nadelmann, Kurt H., *Conflict of laws: international and interestate*; selected essays. The Hague, Martinus Nijhoff, 1972, 401 p. paper.

The Honourable Mr. Justice E. G. Moorhouse, High Court of Justice, Supreme Court of Ontario: A number of loose parts of the Periodical *Ontario History* comprising twelve complete volumes and four partial volumes.

Noted

County Law Libraries

Annual Grants

The Associations listed below have sent in their Annual Returns for the year 1972. The amount of the grant which they receive under the Rules in 1973 and that which they received in 1972 are as follows:

		1972			*1973*
Cochrane*	$1,360			$1,665	
Less loan	300	$1,060	Less loan	300	$1,365
Dufferin		750			750
Grey		1,565			1,635
Hamilton		2,000			2,000
Huron		760			795

Middlesex	2,000	2,000
Nipissing	1,185	1,220
Oxford	1,425	1,670
Perth	1,390	1,495
Peterborough	1,945	2,000
Temiskaming	750	750

*Grant for Cochrane includes its Timmins Branch Library.

Approved

Annual Returns have now been received from Lennox & Addington Law Association for the year 1971. The amount of the grant which they should receive under the Rules in 1972 and that which they received in 1971 are as follows. (Penalty of 10% under Regulation 37(3) for late submission of Annual Returns has been applied against the 1972 grant.)

	1971			*1972*
Lennox & Addington	$750		$750	
		Less 10%	75	
			——	$675

Approved

COCHRANE LAW ASSOCIATION

The Cochrane Law Association is asking for a special grant under Regulation 35 of The Law Society Act, for the purpose of buying books. This Association maintains two libraries — a main library in Cochrane, Ontario, and a branch library in Timmins, Ontario. Both libraries need books, particularly the Timmins Branch, and the Association estimates that it would cost $3,416.20 for book purchases in order to bring the libraries up to a minimum standard.

The Chief Librarian recommends that the grant be made. She inspected the libraries in 1970 and confirms that their book holdings are poor. During the last few years, special grants have been made to other Associations for the discharge of debts or the purchase of books as follows:

1970	Kenora—Expansion of holdings	$1,200.00
1970	Rainy River—Discharge of debts	1,648.54
1971	Muskoka—Expansion of holdings	2,225.00
1972	Temiskaming—Discharge of debts	1,447.00

There are twenty-six paid-up members of the Cochrane Law Association. Two members are located in Cochrane (the District seat), three in Kapuskasing and twenty-one in Timmins. In an attempt to meet increased library costs, membership dues have been increased during the last few years from

($10—Cochrane; $15—Kapuskasing; $20—Timmins) to ($40-$45-$50 respectively) and just recently to $75 for everyone.

Your Committee recommends that, subject to the approval of the Finance Committee, a special grant be made to the Cochrane Law Association in the amount of $4,216.20, made up of $3,416.20 for book purchases and $800 to retire an existing debt to the Law Society. (In 1969 the Law Society lent $2,000 to the Cochrane Law Association and $800 is still owing on this loan.)

THE REPORT WAS ADOPTED.

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th day of March, 1973, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Chappell, Fennell, FitzGerald, Pallett and Sopha.

Several matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED.

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, March 8th, 1973, the following members being present: Mr. Carley, Vice-Chairman, and Messrs. Chappell, H. E. Harris, Krever, Lochead and Pattillo.

PRESS COUNCIL DINNER

It has been suggested that the Public Relations Committee of the Ontario Section of the Canadian Bar Association and the Public Relations Committee of the Law Society of Upper Canada jointly sponsor a Press Council Dinner and that the Law Society contribute up to $300 towards the expenses.

Stand. The Vice-Chairman to discuss the matter further with the Chairman of this Committee and with a representative of the Public Relations Committee of the Ontario Branch of the Canadian Bar Association.

NEWSPAPER CLIPPINGS

Mr. Joseph Abramsky, who practises in Toronto, sent a newspaper clipping which falsely represents the Society's position with respect to legal fees. Mr. Abramsky's letter and a letter from the Treasurer are before the Committee.

Your Committee recommends that the Secretary write to Mr. Dennis McDermott and inform him of the facts of the Society's position in respect of tariffs.

THE REPORT WAS ADOPTED.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Gray

Your Committee met on the 8th day of March, 1973, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass and Gray.

J. SHIRLEY DENISON BEQUEST — TERMS OF THE TRUST

At its last meeting your Committee noted that more than 21 years have elapsed since Mr. Denison's death and that the Society has not been able to distribute fully the income from the capital fund.

Your Committee asked the opinion of Mr. E. J. M. Huycke, Q.C., whether grants can properly be made within the terms of the trust to needy students in the Bar Admission Course.

Mr. Huycke's opinion is before the Committee. He feels that there is sufficient doubt about the matter that the Treasurer and Benchers should not make grants from the trust fund to such persons without the protection of a Court order. *Stand*

ERRORS AND OMISSIONS INSURANCE — DEDUCTIBLE

It was reported to Convocation in February that a few members of the profession have been unable to raise the deductible sum of $2,000 for which they have become liable on account of their negligence. Convocation adopted the recommendation "that legislation be sought to enable the Society to advance funds in an appropriate case taking suitable security and to suspend the rights of a member in default of repayment".

It will take some time for such legislation to be obtained and meanwhile the Society has been advised of an instance in which a solicitor is liable for the deductible sum but is unable at present to pay it.

Your Committee is asked to consider whether a grant can be made from the Denison Bequest Fund to enable the solicitor to meet his obligation for the deductible sum.

In your Committee's view grants should not be made from the fund for this purpose.

THE REPORT WAS ADOPTED.

CANADIAN LAW INFORMATION COUNCIL

It was moved by Mr. Fennell, seconded by Mr. Grange, that Mr. John W. Morden be the Society's representative to the Canadian Law Information Council. This was *carried.*

It was moved by Mr. Henderson, seconded by Mr. Pattillo, that the Society support the incorporation of the Canadian Law Information Council. This was *carried.*

CONVOCATION ROSE AT 1:15 P.M.

Read in Convocation and confirmed this 27th day of April, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, 23rd March, 1973
11:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Cass, Fennell, Finlayson, Grange, Krever, Levinter, MacKinnon, O'Brien, Pepper, Seagram, Thom and Wallace.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Friday, the 23rd day of March, 1973, at 10:30 a.m., the following members being present: Mr. B. J. MacKinnon, Chairman, and Messrs. Cass, Finlayson, Grange, Krever and Thom.

APPOINTMENT OF VICE-CHAIRMAN

It was moved by Mr. Stuart Thom and seconded by Mr. G. D. Finlayson that Mr. S. G. M. Grange be appointed Vice-Chairman of this Committee to fill the vacancy caused by the appointment to the Supreme Court of Ontario of the now Mr. Justice Estey. *Carried*

EXAMINATION RESULTS — FOURTEENTH BAR ADMISSION COURSE

The report of the Director of the Bar Admission Course on the results of the examination is before the Committee showing that 121 have passed with honours, another 539 have passed and 19 have failed.

The following student has withdrawn:

Dennis William Fenton

Three former members of the Bar who applied for readmission to membership in the Society were required to complete successfully the teaching portion of the Bar Admission Course.

Frederick Douglas White achieved Pass Class I standing.
John Raymond Grummett achieved Pass Class II standing.
Harold Wallman Shuttleworth withdrew from the course.

Approved

THE REPORT WAS ADOPTED.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Friday, the 23rd day of March, 1973, at 10:45 a.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Grange, MacKinnon, Pepper, Seagram and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

Bar Admission Course

A list is submitted of 660 candidates who have successfully completed the Fourteenth Bar Admission Course, have filed the necessary documents and paid the required fee of $210 and who now apply for Call to the Bar and to be granted Certificates of Fitness. *Approved*

The following candidate who successfully completed the Thirteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Ronald Michael Lieberman

Approved

THE REPORT WAS ADOPTED.

CONVOCATION ADJOURNED AT 11:15 A.M.

The Treasurer and Benchers entertained at luncheon Mr. Arthur A. Wishart, Q.C.; The Honourable G. A. Gale, Chief Justice of Ontario; The Honourable Dalton C. Wells, Chief Justice of the High Court; The Honourable Dalton A. Bales, Q.C., Minister of Justice and Attorney General of Ontario; His Honour Chief Judge Colin E. Bennett; His Honour Judge William T. Carroll; His Honour Judge Harry Waisberg; and Mr. James C. MacDonald, Q.C., Director of the Bar Admission Course.

Following luncheon the Treasurer, the Benchers and their guests (with the exception of the Honourable Dalton A. Bales) proceeded to O'Keefe Centre.

CONVOCATION RESUMED AT 2:00 P.M. in the O'Keefe Centre auditorium for the Call to the Bar ceremonies of the graduates of the Fourteenth Bar Admission Course, a quorum being present.

The body of the theatre was occupied by the graduates of the Bar Admission Course, their families and friends.

CONFERRING OF HONORARY DEGREE

Mr. B. J. MacKinnon, Chairman of the Legal Education Committee, read the following citation:

Mr. Treasurer — It is my pleasant duty to ask you to bestow upon Arthur Allison Wishart the highest honour the Law Society of Upper Canada has to give. His life exemplifies the highest ideals of professional service.

Equally diligent in discharging the heavy responsibilities of high political office and in attending to the exacting detail of a general practice of law, he has demonstrated a reliable mastery of large issues while preserving a humane and sensitive awareness of the rights and needs of individuals. In his practice he exhibited that essential independence which distinguishes advocacy under the rule of law. As Minister of Justice and Attorney General of Ontario he combined a dispassionate factual exposition with earnest and moving eloquence in the service at once of his profession and his country.

Mr. Treasurer, I request you to exercise the authority vested in you by Convocation to admit Arthur Allison Wishart to the degree of Doctor of Laws *honoris causa.*

The Treasurer then conferred the degree of Doctor of Laws *honoris causa* upon Mr. Arthur A. Wishart.

The Treasurer introduced Mr. Wishart who then addressed the graduates.

Mr. James C. MacDonald, Q.C., the Director of the Bar Admission Course, presented the recipients of awards and appointments to the Treasurer.

The Treasurer presented the Treasurer's Medal to:

Michael Nicholas Durisin

and the following scholarships and prizes:

The Roland O. Daly Scholarship — Michael Nicholas Durisin.

The Law Society First Prize (tie) — Edward Roger Arditti; Terry Wayne Hainsworth.

The Law Society Second Prize and Commercial Law and Company Law Prize — Richard Alan Shaw.

The Law Society Third Prize — Daniel Robert Ross.

The S. J. Birnbaum, Q.C., Scholarships for Estate Planning:

First Prize — Victor Peters; Second Prize (tie) — Avrum Maurice Flisfeder; John Robert Wood.

The Arthur Wentworth Roebuck Award for Family Law (tie) — Stephen Stanley Cohen; Frank Seth Cook; Ronald Allan Goldenberg; John Duncan Pennal; Richard Paul Startek.

The Criminal Procedure First Prize — Andrejs Berzins.

The William B. Common Prize for Criminal Procedure — Jacques Anthony Emond.

The International Academy of Trial Lawyers Prize for Civil Procedure — Douglas Stanley Christie.

The Lady Reading Club Prize — Suzanne Kathryn Wiltshire.

and congratulated the following who have been given special appointments:

Law Clerks to the Hon. G. A. Gale, Chief Justice of Ontario — Peter Young Atkinson; John Patrick Conway.

Law Clerks to the Hon. D. C. Wells, Chief Justice of the High Court of Ontario — Stephen Anthony Barker; Hillel David; Mary Patricia Richardson.

Law Clerk to His Honour Chief Judge C. E. Bennett, Chief Judge of the County and District Courts for the Counties and Districts of Ontario — Paul David Amey.

CALL TO THE BAR

Mr. R. W. Cass, Chairman of the Admissions Committee, presented to the Treasurer the candidates for Call to the Bar:

FOURTEENTH BAR ADMISSION COURSE 1972-73

THE FOLLOWING HAVE PASSED WITH HONOURS:

1. Michael Nicholas Durisin — Awarded the Treasurer's Medal; The Roland O. Daly Scholarship.
2. Edward Roger Arditti and Terry Wayne Hainsworth — Awarded the Law Society First Prize (tie).
4. Richard Alan Shaw — Awarded The Law Society Second Prize; Commercial Law and Company Law Prize.
5. Daniel Robert Ross — Awarded The Law Society Third Prize.
6. Victor Peters — Awarded The S. J. Birnbaum, Q.C., Scholarships for Estate Planning: First Prize.
7. Avrum Maurice Flisfeder and John Robert Wood — Awarded The S. J. Birnbaum, Q.C., Scholarships for Estate Planning: Second Prize (tie).

9. Stephen Anthony Barker.
10. Stephen Stanley Cohen — Awarded The Arthur Wentworth Roebuck Award for Family Law (tie).
11. Douglas Stanley Christie — Awarded The International Academy of Trial Lawyers Prize for Civil Procedure.
12. Suzanne Kathryn Wiltshire — Awarded The Lady Reading Club Prize.
13. Richard Norman Poole.
14. Lawrence Joseph West.
15. John Duncan Pennal — Awarded The Arthur Wentworth Roebuck Award for Family Law (tie).
16. Bryan Anthony Carroll; John Patrick Conway.
18. Frederick Wesley Hacker.
19. Aaron Samuel Grubner; Thomas James Weisz.
21. Michael James Moldaver.
22. William Brian Stead.
23. John Cullen Campbell; Ronald Allan Goldenberg — Awarded The Arthur Wentworth Roebuck Award for Family Law (tie).
25. Joseph Arthur Day; Rodney Edward Follwell.
27. Pierre de Neuville Richard.
28. Peter William Gilchrist; Joseph Harold Reid.
30. Janette Mary Ferguson MacDonald.
31. Peter Russell Hammond; Wayne Arnott Petrie.
33. Ivan Robert Cairns; Douglas Robert Scott.
35. Richard Raymond Carter; Katherine Ann Phillips; Harry Hunter Wylde.
38. Mary Patricia Richardson; Ronald Nairn Waterman.
40. Richard Allan Applebaum.
41. John Lockhart Harrison.
42. Richard Paul Startek — Awarded The Arthur Wentworth Roebuck Award for Family Law (tie); Ernest Winston Tennant; Walter Martin Traub.
45. Michael Edward Royce.
46. Frank Seth Cook — Awarded The Arthur Wentworth Roebuck Award for Family Law (tie); Constantine Grimanis.
48. Perry Brodkin; Stephen Stuart Ruby.
50. Ronald Norman Siddall.

51. Robert Richard Campbell; John Lane Dillman; Joseph Charles McGuigan James.
54. Stephen Victor Fram; Charles Alexander Garrow.
56. Allan Charles Rosen; Terrence Ronald Williston.
58. John Charles Drake; Larry Howard Ross.
60. William Niels Frederic Ortved; Steven Stieber.
62. Gregory James Clement; Brian William Karam; Lynn King.
65. Peter Young Atkinson; Philip Brian Chapman; Barry David Fisher; Nancy Bartlett Jane Johnson; Pierre Francois Marchildon.
70. Arthur Birnbaum.
71. James Alexander McCloy; John Douglas Peart.
73. William Thomas Dyer; David Philip Franklin.
75. William Charles Vincent Johnson; Marie Jacqueline O'Ray; Gabor Gustav Steven Takach.
78. David Lloyd Hynes; Allan Zener.
80. Russell Norman Lawson.
81. John Zbigniew Olenski.
82. Robert William Haig; Douglas Russell Wyatt.
84. Andrejs Berzins — Awarded The Criminal Procedure First Prize; Ronald Elliott Carr; John Francis Costello; Harry Greenberg; Sheldon Allan Parker; James MacLean Stewart; Norman Kenneth Zlotkin.
91. Richard William Arnold; Mary Elizabeth Burt; Robert John Carew; Nicholas Jane Pepino.
95. Lyndon Alexander John Barnes; Richard John Louis DeLorenzi.
97. Gesta Janis Abols; Harvey Storm.
99. Terrence Joseph O'Sullivan.
100. Leslie Sandra Holland; Robert Charles Watt.
102. Clark Vincent Craig; Yvonne Adele Apperley Liljefors; David Pattenden; James Ralph Richard Sanderson.
106. Maxwell Laird Morden.
107. Lawrence Ashley Torkin; Andrew Charles Wright.
109. Wayne Paul Cipollone; George John Corn.
111. Frederick John Heimbecker; Chris George Paliare; James Andrew Watson.
114. Sidney Valo.
115. Terry Kenneth Anderson; Douglas Andrew Hendler.

117. John Francis Brady; Joseph Lawrence Samuel Cappe; Herman Julius Melnitzer; Brian Lloyd Morris; Richard Gordon Pyne.

THE FOLLOWING HAVE PASSED:

John Desmond Adam
Leonard Francis Bernard Adamcyk
Morton Adelson
Calvin Vesta Agard
Norman Murray Aitken
Robert Davis Allard
Paul David Amey
Gerhard Petersen Andary
Kurt Werner Anders
Peter Derek Anderson
Stanley Clifford Aranha
James Robert Axler
John Harry Bailey
Gloria Jean Louise Nancy Balaban
Joseph Sheldon Balitsky
James Kenneth Ball
Harry Michael Barber
John Uniacke Bayly
Felix Augustus Beckles
Richard Carmen Michael Belsito
Edward James Paul Benson
Joseph Donald Henry Bergeron
Harry Berholz
Stephen Conrad Bernardo
Paul Maurice Berry
Alexander Evans Besse
Evan John Bickerton
Frederick James Whelan Bickford
Thomas Keith Billings
Kent Norman Bilton
Joseph Antony Bisceglia
William John Franklin Bishop
Henry Gerard Joseph Black
Robert Wilson Black
Keith Edwin Boast
Igor Bobrow
Harry Jack Borenstein
Salvador Mario Borraccia
Theodore Ross Bourgard
Rodger Benn Bowness
Robert George Boychyn
Neil Lawrence Boyko
Christopher Cameron Simon Breen
David Hart Bresver
Frank Ormond Brewster
William Steven Brockenshire
Arthur Clinton Brown
Avrom Warren Brown
Robert Alexander Kelly Brown
William Grant Craig Brown
Anthony Gibbs Bryant
Marla Ann Mary Wellington Bryant
John Wayne Charles Buck
Peter Gregory Budnick
Barbara Edith Burk
James John Burke
David Wolsey Burn
Theodore Frederick Burnett
James Brian Burns
Jeffrey Howard Burns
George William Calver
Hugh David Sherwood Cameron
James Kendall Cameron
Charles Mallisee Campbell
Coline Marie Campbell
Robert George Carrier
Thomas Charles Kenyon Carroll
Gary Lewis Carsen
David Gordon Carson

Paul Joseph James Cavalluzzo
Licio Edward Cengarle
Paul Michael Champagne
Arthur Henry Channer
William Frederick Chartier
Gerard Eugene Chartrand
Frederick William Chenoweth
Lorne Edward Chester
Joseph Phillip Chetner
Michael Chinkiwsky
Charles Forsyth Clark
Thomas William Clark
Stephen Robert Clarke
John Donaldson Coffey
Bryon Chaim Cohen
Harris William Cohen
Joseph John Comartin
William Earl Conklin
Paul Joseph Conlin
Hugh Farrer Kellogg Connolly
John Macdonald Connolly
Bryan Harold Cook
William John Cook
Alan Douglas Cooper
Donald Stephen Cooper
Gerald Bernard Cooper
James Byrnell Corbett
Robert Brian Corbett
Ian Ronald Kirk Cousins
John Hunter Craig
Lionel Elliott Crotin
David Allan Crowe
Kenneth Deloss Cuddy
Richard Duncan Cummine
Iain Stewart Cunningham
Frank Marc D'Andrea
Hillel David
Douglas Masters Davidson
Holly Margaret Joan Davidson
Simon Richard Rees Davies
Thomas Gordon Dean
William Fredrick Dean
Marvin David Demon
David William Dempsey
Peter Gordon Derry
Donald Ward Desaulniers
John Lawrence Déziel
Lorenzo Ettore Di Cecco
Sheila Jane Dignan
John Rorie Dingle
Michael Domovitch
Walter King Donaldson
Christianus Ferdinand Doreleyers
Malcolm Kenneth Douglas
Norman Scott Douglas
Hugh Gerard Doyle
Edward John Drew
Gary Lionel Dubinsky
Sylvia Louise Dunbar
Mary Elizabeth Duncan
Robert William Duncan
Brian Ross Dunn
Norman Leslie Durbin
Kenneth Franklin Dyer
Stephen Robert Dyment
Mark Edward Edwards
Allan Rowat Elliott
Igor Ellyn
Jacques Anthony Emond — Awarded The W. B. Common Prize for Criminal Procedure
David William Eryou
Robert James Espey
Giovanni Faraci
Victor Peter Fargnoli
Frederic Gerald Farrell
Ronald John Faulkner
Francesco Fazio
Irwin William Fefergrad
George Robert Fife
Bruno Fioravanti
Mary Gleeson Fitzpatrick
Brian Norman Forbes
John Kelvin Ford
Frederick Leslie Forsyth
John Barrington Fortey

Robert Nelson Joseph Fournier
Jay Warren Freeman
Ross Bingham Freeman
Victor Leon Freidin
Edward Friedman
Allan William Furlong
Roger Calixte Galipeau
Gordon Thomas Gardner
Graham Richard Garton
Gordon Paul Germann
Henry Josef Gertner
Gerald Francis Gillespie
Lois Roberta Gillespie
Donald Ian Glen
Saul Isaac Glober
Lorne Edward Goddard
George Angus Godwin
Alan David Gold
Kenneth Leonard Gold
Stanley Goldstein
Martin Zenia Goose
Leslie Thomas Gord
Michael Howard Gordner
Wilfred Roy Gordon
Robert David Gould
William Richard Grace
John Moffat Graham
Donald Gordon Grant
Gordon Alexander Grant
Graham Duncan Grant
Gordon Aloysius Grechulk
Susan Ellen Greer
Philip Geoffrey Griffin
George David Gruetzner
Christopher Joseph Haber
Robert Michael Haidle
Roland John Haines
Clyde Derrick Halford
Gordon Hector Hall
Donna May Hamilton
Kenneth Laird Hammond
Robert Dayton Hammond
Alec Hardiejowski
Michael Allan Hardy
Malcolm Gordon Harnum
Clarence Raymond Harris
Holly Ann Harris
Thomas Michael Hawkesworth
William Victor Hawryliw
Eric George Haythorne
Wayne Robert John Headrick
Gary Francis Hearn
James Brian Hebert
Rudolf Henkel
Lawrence Isadore Herman
Daniel Paul Felix Hermosa
Robson Grant Hind
Peter Bertram Chapman Hockin
John Allen Honderich
Russell Lee Horrocks
John Hovius
Frank Fred Hubscher
Gary Robert Hunter
William Robert Hunter
David Victor Hutchinson
Timothy Franklin Huxley
John Christopher Ireland
Richard Desmond Jackman
Norman Charles Jackson
Peter Alan James
Thomas Northy Jamieson
Dennis Edwin Johnson
Richard Tay Johnston
Alan Gregory Jones
Barry Gordon Jones
Peter John Jurmain
David Charles Juvet
Maury Kalen
Paul Bernard Kane
Thomas Gregory Kane
Nicholas George Philip Kapelos
Bernd Karr
Sheldon Lawrence Kasman
Christine Joyce Kates
Yoshiki Glen Katsuyama
Robert Calman Kay

Elizabeth Slava Kekanovich
John Robert Kellerman
John Scott Kelly
Michael Sean Joseph Kelly
Sami Naguib Kerba
Edward Philip David Kerwin
Robert Wesley Kew
William Alexander King
John Edward Kingsmill
John Arthur Kirby
Harvey Joseph Kirsh
Lois Marilyn Kit
Maureen Kleiman
Joel Bernard Kohm
Gerald Wayne Anthony Koski
David Allen Kosoy
Marshall Steven Kramer
Peter Helmuth Kratzmann
Lawrence Henry Kroeker
Dietrich Kruse
Gary Morton Kuchar
Gary Richard Kunnas
Roy Kazuo Kusano
James Brian Kutcy
Andrew Nicholas Kutney
Stephen Kuz
Conrad Paul Lafontaine
Donald Barrowman Laidlaw
Bruce Keith Laird
Walter Nicholas Lalka
Jack Stephen Lambert
Walter Thomas Langley
George Lantos
Mark Joseph Gaston LaRose
Denys Meade Laurence
Robert George Lawrie
Nadia Lawryshyn
Ralph Edward Lean
Roger Rodolphe Leclaire
Robert William Lees
David Bernard Leibson
Paul Davis Leon
Paul Francis Lepine
Gerard Philippe Levesque
Murray Leonard Levine
Paula Helen Marjoh Agro Levy
Douglas Gordon Lewis
Willard John L'Heureux
Harold James Linden
Douglas Joseph Livesey
Rudolph Lobl
William Stewart Lockington
William Denis Lowry
Glen Gordon MacArthur
John Mervyn Macaulay
James Arthur MacColl
John Kirkwood Macdonald
William Gordon MacDonald
Jean Louise MacFarland
Paul Harold Macklin
James MacMillan
John William Makins
Benjamin Michael Maleyko
Marek Stefan Malicki
Gerald Michael Mamid
Anthony Maniaci
Harvey Samuel Margel
Donald Lewis Marston
Gisele Mona Martin
Mary Elizabeth Martin
Alexander Martynowicz
Larry William Matthews
John Wojciech May
Richard Thomas Mays
David Barry McArdle
John Timothy St. Clair McCabe
Daniel Vincent McCarthy
Robert Allan McChesney
Donald Gordon McColl
Lorne William McConnery
William Peter McCreary
Peter John McDerby
Murray Ronald McEniry
Walter Attwood McEwen
Bruce Anthony Dale McGrath
Michael Clarence McInerney
David Lawrence McKenzie

Louisette Duchesneau-McLachlan
Jon Evan McLaren
Donald Gordon Norman McLeod
Peter Edward McRae
Robert John McVicar
Ralph Stephen Menzies
Robert Geoffrey Merritt
Daniel Anthony Mersich
William James Metzler
Martin Larry Middlestadt
Sharon Anne Miller
Theodore Henry Miller
Peter Andrew Stewart Milliken
Paul Douglas Milne
Albert Jack Milstein
William Russell Monteith
Brian Lyle Montgomery
Paul Evans Montgomery
Sidney Gerald Morayniss
Donald Alfonso Morgan
John William Joseph Moroso
Rocco Anthony Morra
Donald John Morrison
Robert Paul Morton
Andrew Mudryj
Robert Daniel Mullen
Robert James Murphy
Kenneth James Naftel
Tarcisio Nella
Clifford Sigmund Nelson
Paul John Nelson
Eamon Benito Nicholson
Peter Robert John Noble
Gerald Edwin Norman
Claire Barbara O'Connor
David Francis O'Connor, Jr.
John Frederick O'Donnell
David Paul Olsen
Andres Olvet
Gregory John Onorato
Edward Francis Ormston
John Christopher Osborne
Toomas Ounapuu
David William Pamenter
Luda Alexandra Panchenko
Lawrence Jacob Papoff
Joseph Paradiso
Mary Villemaire Park
Wayne William Patterson
Roger Stephen Peacock
Martin Peck
Anthony Michael Jude Pepe
Terry William Peterman
Daniel Douglas Peterson
Michael Lawlor Phelan
Andre Lawrence Philpot
John Baptist Piazza
Gianfranco Gesue Piccin
Leslie Albert John Piller
Stanley Paul Pineau
Robert Frederick Stanley Plain
Terrence Antoine Platana
Harold Michael Pohoresky
Peter Angus Pyper
Gordon Ronald Ramm
Thomas Gifford Rankin
Stan Howard Raphael
Michael Charles Ray
David Joseph Reinhart
Gioacchino Salvatore Restivo
George Robert Richmond
James Thornton Riley
Michael Gerald Rinaldo
Gerald Joseph Rip
John Charles Longworth Ritchie
Robert Paul Robert
Bruce Ranton Robinson
Paul Joseph Roche
Allan Michael Joseph Rock
Gary Peter Rodrigues
Steven Rogin
Andrew John Roman
John Frank Rook
Jay Norman Rosenblatt
Roland Michael Ross

Theodore Bernard Rotenberg
John Earl Rouatt
Frederick Hugh Roberts Rowell
Martin King Ian Rumack
Samuel James Ryan
Howard Saginur
Lorne Hersh Saltman
Kenneth Harold Saul
John Francis Scandiffio
Mark Scharf
Lester Scheininger
Michael Stanley Scher
Howard Schneider
Jeffrey David Schofield
Alan Mortimer Schwartz
Barry Richard Scott
James Ronald Scott
Joan Wilma Scott
John David Scott
Brian Muir Scully
Robert Edwin Seabrook
Helmut Erich Seele
Gary Lawrence Segal
Michael William Senzilet
Brian Robert Shaughnessy
Gordon Carney Shaver
Mary Anne Shaw
Christopher Michael Timothy Sheffield
Susan Elizabeth Sherk
Michael Dennis Shewchuk
Rodney Wayne William Shewchuk
Bernard Sidney Shier
David Murray Shortt
Drew Franklyn Shouldice
Myron Wayne Shulgan
Juha Siimes
Peter Wood Sillery
James Boyd Simpson
John Henry Sims
James William Sinclair
Douglas Bruce Singer
Michael Sheldon Singer
Jacob Bernard David Sloan
James Wilmore Sloan
Jeffrey Mark Slopen
Albert Edward Smelko
Barbara Elizabeth Smith
Heather Janet Smith
Peter Heysel Smith
Barry Snaper
Allan David Soloway
David Fane Sommerville
Francis Pendergast Sondola
Sergio Spisani
Brian Stanley Spooner
Sankaranarayana Ramachandra Srinivasan
Erwin Waldemar Stach
Oswald William Stahl
Jay Warren State
James Steadman
Leslie Steiner
Stanley Steinman
Bohdan Peter Evan Stelmach
Leonard Stephan
Boyd David Stewart
Robert Calvert Charles Stonehouse
Louis Gary Lenard Stortini
Allan Thomas Strader
Charles Humphrey Style
Donald Richard Sullivan
Harvey Allen Swartz
Robert Kei Tanaka
Joseph Charles Bernard Yvon Tarte
Sofia Irene Tershakowec
Ping Sheung Tham
Jean Audrey Thompson
William MacKenzie MacKay Thoms
Donald Vincent Joseph Thomson
Kenneth Robert Tilson
Adrian Edward Paul Tonello
Barry David Torno
Stephen Edwin Traviss

Steven Franklin Troster
Karen Frances Trotter
William Michael Trudell
John David Tuck
David Michael Tugender
James Richard Turnbull
Mary Margaret Eleanor Turvey
Robert James Upsdell
James Leslie Van Wyck
Peter Joris Duff Van Wyck
Ronald Stuart Veale
Ronald Thomas John Velanoff
Konrad Winrich von Finckenstein
Hans Joachim Jean Jaque Digeon von Monteton
Pamela Harding Verrill Walker
William Francis Walker
Patricia Helen Wallace
Bernd Walter
David Warga
Thomas George Watkinson
Brian Mansel Watson
Gary Leonard Waxman
James Wallace Webster
Peter Haskell Wershof
Robert Harold White
John Ross Whittington
James William Wiegand
Ronald Walter Wieleba
Anthony Dean Wilkins
Christopher Lawrence Donald Williams
Robert Beeton Wilson
Edward Dixon Winder
Alex Winkler
Michael Winton
Ping-Ki Wong
Thomas Melville Wood
Donald Harry Worling
Frederick Barrie Wray
George David Wright
Larry Allan Yanch
Ryan Yoshy
Frank Zaid
Lubomir Eugene Julius Zalucky
Paul Michael Allen Zammit
Michael Arthur Zimmerman
Stanley Valentine Zuly
Ronald Michael Lieberman (Thirteenth Bar Admission Course)

The Treasurer then conferred upon the candidates the degree of Barrister-at-law and Called them to the Bar of Ontario.

The Treasurer addressed the new members of the Bar and congratulated them on behalf of the Law Society of Upper Canada.

Convocation Then Rose

Following Convocation a Special Sitting of the Supreme Court of Ontario was convened in O'Keefe Centre with the Honourable G. A. Gale, Chief Justice of Ontario, presiding.

Mr. R. W. Cass, Q.C., presented the candidates to his Lordship who permitted them to take the usual oaths and to acknowledge their signatures on the rolls in the presence of the Court.

Chief Justice Gale then addressed the new Barristers.

At the conclusion of the ceremonies the Treasurer and Benchers entertained the new Barristers, their families and friends at a reception in the main lounge at the O'Keefe Centre.

Read in Convocation and confirmed this 27th day of April, 1973.

SIDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 27th April, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carthy, Cartwright, Cass, Common, Cory, Evans, Fennell, Finlayson, FitzGerald, Goodman, Grange, Gray, Griffiths, H. E. Harris, Howland, Krever, Lochead, Maloney, Morden, O'Brien, Pallett, Pepper, Seagram, Sheard, Steele, Strauss, Thom, Trepanier, Wallace, White and Zahoruk.

Mr. Robert J. Faulkner and Mr. Charles Munro, lay members of the Law Society Council, were present at the Treasurer's invitation.

The Treasurer welcomed the two lay members at Convocation. He also welcomed Mr. Stephen E. Traviss who attended his first Convocation as an Assistant Secretary of the Society.

The Treasurer noted with deep sadness the death on 24th March, 1973, of Mr. Hamilton Cassels, Q.C., at the age of 77. Mr. Cassels was called to the Bar 20th May, 1920. He was first elected a Bencher in April 1941 and became a Life Bencher in 1956. His activities with the Bench and his interest in the Society continued until his death.

FOURTEENTH BAR ADMISSION COURSE STUDENT AWARD

Mrs. Katherine Ann Phillips, a graduate of the Fourteenth Bar Admission Course, was awarded The S. J. Birnbaum, Q.C., Scholarships for Estate Planning — Second Prize (tie). It was not presented at the Special Convocation on 23rd March, 1973. She attended today and the Treasurer presented the prize and extended congratulations to her.

The Minutes of Special Convocation of 9th March, of Convocation of 16th March and of Special Convocation of 23rd March, 1973, were read and confirmed.

APPOINTMENT TO SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

It was moved by Mr. Sheard, seconded by Mr. Morden, that Mr. Joseph Sedgwick, Q.C., be appointed to the Special Committee on J. Shirley Denison Bequest to fill the vacancy caused by the death of Mr. Hamilton Cassels, Q.C. *Carried*

LEGAL EDUCATION COMMITTEE—Mr. Grange

Your Committee met on Thursday, the 19th of April, 1973, at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Carthy, Cass, Cory, Finlayson, Gray, Griffiths, Henderson, Sheard, Sopha, Thom and White.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Income Tax Prize: McCarthy & McCarthy have generously offered to donate $250.00 as a cash prize each year to the student obtaining the highest standing in the Income Tax Section. It is suggested that the prize be known as "The McCarthy Income Tax Prize".

It is respectfully requested that your Committee approve this contribution and that an expression of the Law Society's appreciation be forwarded.

Your Committee recommends that it be accepted with thanks.

Summer School on Criminal Procedure: At the last meeting of your Committee authorization was given to proceed with detailed planning of this programme. Planning sessions have been conducted with Robert J. Carter and Clay M. Powell (who will act as Chairmen of the programme) and Archie G. Campbell, Edward L. Greenspan and Gregory P. Johnstone. It is proposed that the same section on Criminal Law and Procedure given to the students in the Bar Admission Course, be presented as a refresher course. The programme would take place at Osgoode Hall during the week of Monday, 13th August, through to and including Friday, 17th August, 1973. Registration would be open to all Canadian practitioners but would be limited to an overall maximum of 150. Subjects to be covered would include Compelling the Appearance of the Accused, and the Procedure to be followed on Judicial Interim Release and Release Pending Appeals; Search Warrants; Hearings, Preferring Indictments; Re-Election; Motions Prior to Plea; Jury Selections, Pleas; Trial, including Evidentiary

Problems; Motions for Directed Verdict and Reply; Sentencing and Representation after Conviction, including Parole, Discharge, Suspended Sentence and Probation, License, Temporary Absence Passes and Fines; Summary Conviction Matters; Extraordinary Remedies; Representation of the Mentally Ill; and Appeals. Reference materials would be the same as those materials given out in the Bar Admission Course. The registration fee is proposed at $250. We respectfully request instructions from your Committee to arrange for the announcement and presentation of this programme.

Approved

Summer School in Income Tax: Authorization was received from your Committee at its last meeting to plan a summer programme on income tax. It is now proposed that a special presentation of the Bar Admission Course on Income Tax be presented to Canadian practitioners at Osgoode Hall during the week of 20th to 24th August, 1973. It would be under the direction of Arthur R. A. Scace, assisted by Douglas S. Ewens and Thomas E. J. McDonnell. It would cover Liability for Tax; Capital Gains; Corporations; Buying and Selling a Business; Real Estate; Tax Evasion Versus Tax Avoidance; and Partnerships. The registration fee is proposed at $250 and the reference materials would consist of the second edition of "The Income Tax Law of Canada" by Mr. Scace now in preparation. We respectfully request approval from your Committee to arrange for the announcement and presentation of this programme.

Approved

Conversion to Cassettes: The closed circuit television system in the Bar Admission Course should be converted from an open reel to a cassette operation at a cost of about $4,500. Reasons for the conversion are set out in the copy of letter from the Instructional Media Centre dated the 10th of April which is before the Committee. These reasons and the advice received indicate that:

(a) Changes in the industry and consumer usage mean that the conversion must be made at some time in the near future; and

(b) If made now, the cost would be less because our open-reel units have an optimum trade-in value.

We respectfully request that this conversion be made, subject to the approval of the Finance Committee. *Approved*

SPECIAL PETITION

Michael Georges Picher asks permission to defer for one year entering the Teaching Period of the Bar Admission Course in September 1973 in order that he may attend the Harvard Law School LL.M. degree course. *Approved*

Printing Department: Comparative figures showing the number of impressions (number of pieces of paper) printed in the first three months of this calendar year are:

	B.A.C.	*C.E.*	*Total*
January	540,435	487,300	1,027,735
February	976,320	43,000	1,018,320
March	36,070	397,765	433,835

Co-operation with Federation of Law Societies: The Law Society has pledged its co-operation to the Federation in assisting the Bar Admission Courses and Continuing Education Programmes across the country. The organizational meeting of the Federation's Committee on Continuing Education will be held at Osgoode Hall on 14th April, 1973, and the Director will attend as a member.

Regional Presentations: On Saturday, 14th April, 1973, Mr. H. Douglas Wilkins will conduct a seminar on the subject of Family Law for 20 members of the Essex County Law Association. The programme will be held at the University of Windsor, Faculty of Law, in co-operation with Professor Ronald Ianni, Professor Margaret Hughes and representatives of several regional family service associations.

Preparation for Seminar Presentation: As programme planning goes forward, one of the subjects under discussion is the possibility of seminar instruction to be derived from full programmes. On the basis of meetings held to date, seminars on Drafting of Legal Documents, Administration of Estates, Advising the Small Businessman and Law of Damages are being planned for initial presentation in autumn 1973. At the request of the Peterborough County Law Association, the seminar on the Administration of Estates will be presented in Peterborough in June.

REPORT OF THE SUB-COMMITTEE ON THE COLLECTION OF FINES FOLLOWING THE LATE REGISTRATION OF ARTICLES

The Report of the Sub-Committee was before the Committee at its meeting in March but was allowed to stand until this meeting. The Sub-Committee's Report is as follows:

"At the meeting of the Legal Education Committee held on the 11th of November, 1971, your Sub-Committee was appointed to investigate and report upon the policy of the Society with respect to the collection of fines from students who did not file their applications for entry into the Bar Admission Course within the required time. The constitution of your Sub-Committee is as follows: Mr. Stephen Borins, Chairman, Mr. S. G. M. Grange, and Mr. J. C. MacDonald, Director of the Bar Admission Course.

Your Sub-Committee was constituted as the result of one particular situation in which an articled student applied for the rebate of a fine that had been levied upon him for the late payment of the fee of $101.00 upon the commencement of his articling. The student had given as the ground for late payment his financial hardship.

Your Sub-Committee has met and considered the problem and has exchanged correspondence in reaching the conclusions set forth in this report. Your Sub-Committee was late in filing the report as it was awaiting submissions from certain students at the Osgoode Hall Law School of York University who had indicated to the Chairman that they wished the opportunity to file a written brief. Unfortunately, no brief was ever received and your Sub-Committee does not wish to delay further its report.

Section 26 of the Regulation enacted pursuant to The Law Society Act, 1970 pertains to the Bar Admission Course. Section 26 (4) defines the Bar Admission Course as follows:

> "The Bar Admission Course consists of,
>
> (a) service under articles of clerkship for twelve months beginning on the first day of September; and thereafter
>
> (b) practical training, lectures and tutorial groups for a period of up to six months beginning on the first Monday after Labour Day".

Section 26 (5) provides that a graduate from a law course given by a university in Canada which is approved by Convocation is entitled to admission to the Bar Admission Course. Section 26 (7) provides that one who applies for admission as a student member in the Bar Admission Course pursuant to Section 26 (5) is required to file with the Director of the Course a completed application, a certificate of graduation from his law school, a certified copy of his pre-law university record and his articles of clerkship. We are not here concerned with the provisions of Section 26 (6) which deal with admission to the Bar Admission Course by an applicant for transfer from a jurisdiction outside Ontario.

Your Sub-Committee feels that it is of significance to observe that no date is given in Section 26(7) relating to the date upon which, or by which, the items set forth in that subsection must be filed with the Director of the Bar Admission Course. Nor is any mention made in Section 26(7) with regard to the payment of any fees relating to admission to the Bar Admission Course.

It is Rule 50 that relates to the payment of fees. The preamble to the Rule states: "The following fees and levies are payable to the Society in the circumstances, *at the times*, and in the amounts specified:" It is the first category of fees, fees that pertain to "student members" that is of relevance. "Student member" is defined in Section 28(d) of the Law Society Act. The relevant part of that Section states:

> "the persons,
>
> (i) who are students-at-law in the Bar Admission Course on the day this Act comes into force, or
>
> (ii) who after that day becomes students-at-law in the Bar Admission Course,
>
> are student members with the rights and privileges prescribed by the rules."

Therefore, reading together the provisions of Section 26(4) of the Regulation defining the Bar Admission Course and Section 28(d) of the Act, it would seem that one becomes a student member on the first day of September since one cannot become a student-at-law in the Bar Admission Course until the date that the Bar Admission Course commences and the Bar Admission Course does not commence until the first of September each year.

Returning to the payment of fees, in Rule 50 it is stated that "upon becoming a student member of the Society" one is required to pay $101.00 which is specified to be "payable upon filing application". The Rule goes on to provide that "in case an application for admission is filed late, an additional fee of $10.00 is payable for the first day and $1.00 for each day thereafter." (Convocation has placed a maximum limit of $100.00 upon the amount of such "additional fee" payable as a result of late filing.) Rule 50 provides for the payment of a fee of $350.00 "upon commencing the teaching period of the Bar Admission Course, *payable on or before the first day* *of September* of the year in which the teaching period is commenced". The third fee that students-at-law are required to pay by Rule 50 is upon call to the bar and it is in the amount of $210. The Rule states: "For call to the bar and admission as a solicitor of candidates from the Bar Admission Course or under the Transfer Regulations, *payable on or before the first day of the month in which the candidate intends to be called and admitted*".

Therefore, Rule 50 states clearly the dates upon which the payment of the sum of $350.00 for the teaching portion of the Bar Admission Course and the sum of $210.00 upon being called to the bar must be paid. However, no specific date is set forth in either the Rules, the Regulation or the Act relating to the payment of $101. All that Rule 50 says with regard to this sum is that it must be paid upon "filing application" which by necessary inference must mean the application for admission as a student member in the Bar Admission Course set out in Section 26(7) of the Regulation. However, as stated above, since one does not become a student member until he becomes a student-at-law in the Bar Admission Course and since this does not occur until September 1 in any given year, your Sub-Committee feels that it could be argued that the $101.00 does not have to be paid until September 1st. One of the difficulties in interpretation lies in the wording in Rule 50 — "upon becoming a student member of the Society, payable upon filing application". On the one hand it seems as if the Rule is saying that the $101.00 is not to be paid until one becomes a student member of the Society on September 1st, and on the other hand it seems as if the Rule is saying that the sum of $101.00 is payable upon filing application, whenever that occurs. In short, and to repeat, there is nothing found in the Rules, the Regulation or the Act indicating when the application referred to in Section 26(7) of the Regulation and Rule 50 is to be made.

Your Sub-Committee has been provided with the following information from the Bar Admission Course Office. Before the end of the academic year, usually the end of April, the Bar Admission Course Office sends to each law school registrar in Ontario sufficient quantities for distribution to all law students of the following documents:

1. A form of application to enter the Bar Admission Course;
2. A form of articles of clerkship;

3. A memorandum explaining the Bar Admission Course registration procedure; and
4. A Bar Admission Course calendar.

From the date upon which the above documents are forwarded to the law school registrars for distribution to their third year students until the last Friday in July, the students may file at any time therein the following six things:

1. The application form to enter the Bar Admission Course;
1. A cheque for fees in the amount of $101.00;
3. Articles of clerkship;
4. Pre-law transcript;
5. Law school transcript;
6. A photograph.

Your Sub-Committee was advised that the number of pieces of paper which came into the Bar Admission Course Office for registrations in 1971 amounted to 2,862 items.

Your Sub-Committee was further advised that the closing date for registrations has always been the last Friday in July and hence in any situation where a student has not paid the sum of $101.00 by that date, he is subject to an initial fine of $10.00 for the first day of lateness and $1.00 for each weekday thereafter until payment has been received, reaching a maximum fine that can be levied of $100. We are further advised that students are not fined for the late arrival of transcripts provided that they have applied to their respective schools for same prior to the last Friday in July. The reason for not levying a fine is that records offices are under extreme pressure for the production of transcripts and, in some cases, it takes weeks for the transcripts to be forwarded to the Bar Admission Course Office.

Your Sub-Committee has been unable to find in the Act, the Regulation or the Rules any authority for the establishment of the fourth Friday in July as the date for the filing of the application pursuant to Section 26(7) of the Regulation and the payment of the fee of $101. We presume that this date was determined by the administration of the Bar Admission Course. Your Sub-Committee is of the opinion that, based upon the argument advanced earlier, the Society may lack authority for levying fines for the late payment of the $101. Your Sub-Committee would therefore recommend that the wording of Rule 50 be clarified to state specifically that the fee of $101.00 is to be payable on or before the fourth Friday in the month of July.

We would add that based upon the information received from the Bar Admission Course Office relative to the large amount of paper work, it would be unreasonable to extend this date to any time after the fourth Friday in July. Your Sub-Committee would also recommend that if Rule 50 is accordingly amended, then Section 26(7) of the Regulation be also amended to accord with Rule 50.

Your Sub-Committee also considered the possibility of an amendment to the Rules whereby students would be permitted to pay the fees of $101.00 and $350.00 by way of instalments. This is the practice that is followed at most Ontario universities with regard to the payment of tuition fees. However, after discussions with the Bar Admission Course administrative staff and with Mr. A. Bennett, the Comptroller of the Law Society, your Sub-Committee reached the conclusion that it would not be practical in terms of administrative ease and efficiency to recommend the introduction of an instalment system for the payment of these fees.

Having explored the above problems your Sub-Committee is, however, still concerned with policy considerations with regard to the levying of a fine for failure to complete articling registration on time (which registration includes payment of the fee of $101.00) in situations where genuine financial hardship is the primary factor. It is the opinion of your Sub-Committee that Convocation has adopted the policy that a fine would not be levied where the delay is because the student has been unable to obtain an articling position despite his best efforts to obtain such a position. It would appear to be the consistent policy of Convocation to allow a rebate of a fine levied for that reason. It is the opinion of your Sub-Committee that to levy a fine where a fee has not been paid timely as the result of genuine financial hardship does nothing more than compound the hardship for the individual concerned. Your Sub-Committee is aware that all co-operation is given by the Society to those experiencing financial hardship with regard to the processing of applications so that anyone who is short of funds can always be granted a few days' grace. Nevertheless, in particular instances, it may not be possible by administrative methods to either detect or assist in the solution of such a problem. Your Sub-Committee would, therefore, respectfully recommend that each application for rebate on the grounds of financial hardship be dealt with on its own merits and that the Society not be seen to adopt as a matter of policy that financial hardship in no circumstance provide an excuse for the late payment of fees." *Approved*

THE REPORT WAS ADOPTED

It was moved by Mr. Grange, seconded by Mr. Cass, that Rule 50 of The Law Society Act, 1970 be amended to read in part as follows:

> "... Upon becoming a student member of the Society payable upon filing application on or before the fourth Friday in the month of July .... $101"

and that Section 26 (7) of the Regulation made under The Law Society Act, 1970 be amended to read in part as follows:

> ". . . (a) if proceeding under subsection 5, file with the director on or before the fourth Friday in the month of July, . . ." *Carried*

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 19th day of April, 1973, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cartwright, Grange, MacKinnon, Seagram, Sheard, Sopha and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

Three candidates having complied with the relevant Regulations, paid the required admission fee of $101.00 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972, under Bar Admission Course Regulation 26 (5).

Approved

DIRECT TRANSFERS FROM QUEBEC

Two applications from Quebec solicitors for direct transfer to practice in Ontario were considered by your Committee. One applicant sought permission to proceed under Regulation 4 (2) and the other permission to complete the Bar Admission Course instead of proceeding under Regulation 4 (2). Your Committee approved the first application and advised the second applicant that she may be called to the Bar upon successful completion of the Bar Admission Course including the articling period.

UNITED KINGDOM SOLICITOR

Your Committee considered an application from a solicitor from Scotland who sought permission to proceed under Regulation 5(1). Your Committee approved the application subject to the applicant presenting proof that he was in active practice in Scotland immediately preceding application.

TRANSFER FROM JURISDICTIONS OUTSIDE CANADA

Five applications were before your Committee for consideration. The applicants were from England, India, Niarobi, Tanzania and Uganda, and all sought to proceed under Regulation 5(1). Four applicants did not qualify under the Society's Regulation and their applications were refused. The fifth applicant was asked to submit proof that he qualified under the Regulation.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law faculty asks to be called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200.00:

Frederick Bernard Sussmann: B.A. College of the City of New York, 1935; Master of Science in Education, College of the City of New York; LL.B. Columbia University, 1943; Called to the Bar of the State of New York, March 1944.

Professor Sussmann became a Canadian citizen on 29th March, 1973. A letter confirming his eligibility has been received from the Dean, Faculty of Law, University of Alberta. *Approved*

SPECIAL PETITION

Floyd Earl Evenson obtained the LL.B. degree from the University of Manitoba in May 1971. For stated reasons he asks for an extension of a further two years in addition to the two year limitation period to enter the Bar Admission Course. *Approved*

THE REPORT WAS ADOPTED

Mr. Cass, Chairman, presented the Report of the Admissions Committee dated 22nd March, 1973:

Your Committee met at 10:15 a.m., on Wednesday, the 21st day of March, 1973, the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Grange, Pepper and Seagram.

The applicant for readmission, Mr. Robert Anderson Downing, attended before your Committee with his counsel, Mr. V. S. Paisley.

The Committee's Report was presented and read to Convocation.

The Committee recommended that Robert Anderson Downing be readmitted to membership in the Society upon successful completion of the teaching period of the Bar Admission Course and upon filing his written undertaking not to engage in the private practice of law without the written permission of the Society.

The applicant attended before Convocation with his counsel, Mr. V. S. Paisley, who made submissions, asking that the applicant be relieved of completing the teaching portion of the Bar Admission Course.

It was moved and seconded that the Committee's recommendation be amended by the addition of a period after the word "Course" and by striking out all the words that follow. This was *lost.*

It was moved and seconded that the first condition in the recommendation be deleted so that the applicant would not be required to complete the teaching portion of the Bar Admission Course. This was *carried.*

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 19th day of April, 1973, at 3:30 p.m., the following members being present: Messrs. Gray (Chairman), Cartwright, Fennell, Henderson, Howland, Pallett, Sheard, Thom, Trepanier and Zahoruk.

ACCOUNTS

The Secretary reports that from 1st March 1973 to 31st March 1973 accounts (including Library Accounts), properly approved, to the amount of $215,419.73 have been paid.

Noted

Financial Statement, 1st September to 31st March 1973

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1972 to 31st March 1973. *Approved*

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Russell Clayton Honey, Q.C., Ottawa: Called — 29 June 1949. Appointed County Court Judge, County of Hastings — 9 March 1973.

Joseph Charles L. Scime, Hamilton: Called — 25 June 1959. Appointed County Court Judge, County of Wentworth — 9 March 1973.

John William Partridge Anjo, Stayner: Called — 29 June 1950. Appointed Provincial Judge, Criminal Division, County of Simcoe — 19 March 1973.

Lucien Arthur Beaulieu, Toronto: Called — 22 March 1968. Appointed Provincial Judge, Family Division, County of York — 11 April 1973.

Franklin Stewart Fisher, Toronto: Called — 26 June 1958. Appointed Provincial Judge, Family Division, County of York — 11 April 1973. *Noted*

Deaths

The following members have died:

Theodore Henry Peine, Q.C., Toronto (Honorary Life Member)	Called — 16 September 1910 Deceased — 15 February 1973
Roderick Walker Strachan Johnston, Q.C., Toronto	Called — 19 June 1930 Deceased — 13 March 1973
John Herbert Corrigan, Q.C., Toronto	Called — 16 June 1938 Deceased — 13 March 1973
James Joseph Gray, Toronto	Called — 11 June 1909 Deceased — 6 January 1973
Oliver Hereford Smith, West Vancouver (Honorary Life Member)	Called — 21 October 1920 Deceased — 17 February 1973

Hamilton Cassels, Q.C., Toronto (Honorary Life Member)	Called —	20 May 1920
	Deceased —	24 March 1973
Geoffrey Martin Lampard, Q.C., St. Catharines	Called —	21 October 1926
	Deceased —	25 March 1973
William John Smith, Q.C., Toronto	Called —	18 June 1936
	Deceased —	31 March 1973
Ward Hughson Powell, Q.C., Grimsby	Called —	15 June 1939
	Deceased —	7 April 1973
Thomas Alexander McCarthy, Welland	Called —	18 June 1931
	Deceased —	5 April 1973
James Frederick McNab, Toronto	Called —	16 September 1937
	Deceased —	6 April 1973

Noted

DISBARMENTS

The following former members have been disbarred and struck off the rolls, and their names have been removed from the rolls and records of the Society:

Daniel Earl McLeod, Toronto: Called — 20 September 1957. Disbarred — Convocation, 16 March 1973.

Perry Clifford Young, Toronto: Called — 13 April 1962. Disbarred — Convocation, 16 March 1973.

Noted

READMISSIONS

The following former members of the Society, having complied with the requirements of the Admissions Committee, were readmitted and their membership in the Law Society has been restored:

John Raymond Grummett, Willowdale: Convocation, 23 March 1973.

Fredrick Douglas White, Weston: Convocation, 23 March 1973. *Noted*

RESIGNATION

Anthony R. Collins of Birmingham, England, applies for permission to resign his membership in the Society and submits his Declaration in support. Mr. Collins requests that he be relieved from the requirement of publication in the Ontario Reports. *Approved*

ARREARS OF ANNUAL FEES

Under Section 36 of The Law Society Act, 1970 if a member fails to pay any fee or levy payable by him to the Society within four months after the day on which payment is due, he is liable to suspension for non-payment. A list of members who are still in arrears in respect of annual fees for 1972-73 is before the Committee.

The Committee recommends that those who are still in arrears on 26th April 1973 be suspended on 27th April 1973 until their fees or levies are paid.

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presents a memorandum listing the Associations which have sent in their Annual Returns for 1972. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved subject to the approval of the Libraries and Reporting Committee.

GREAT LIBRARY — SUMMER HELP

The Chief Librarian requests permission to engage up to three persons, if necessary, to assist in the Great Library during the summer months at a rate of $2.50 per hour.

Approved

LEGAL EDUCATION COMMITTEE

The following item appears on the agenda of the Legal Education Committee:

> "*Conversion to Cassettes*: The closed circuit television system in the Bar Admission Course should be converted from an open reel to a cassette operation at a cost of about $4,500. We respectfully request that this conversion be made, subject to the approval of the Finance Committee." *Approved*

SOCIETY'S MAILING LIST

The Committee recommends that Osgoode Hall Law School of York University be permitted to use the Society's general mailing list for its May 1973 issue of its newsletter.

THE REPORT WAS ADOPTED

ARREARS OF ANNUAL FEES — Motion to Suspend

It was moved by Mr. Beament, seconded by Mr. Thom, that the following barristers and solicitors be suspended from practice for a period of one year from this date, and from year to year thereafter or until their fees are paid:

Laurie Robert Barker, Toronto
John Hunter Campbell, Q.C., Streetsville
Louis Hormisdas Carreau, Q.C., Rockcliffe
Robert Fournier, Ottawa
John Fraser Paul Hargrave, Toronto
Michael Henry Holden, Perth, Australia
Andrew Grant McQuilkin, St. Catharines
Alvin Wilson Sillery, Seaforth.

Carried

PROFESSIONAL CONDUCT COMMITTEE — Mr. Evans

Your Committee met on the 19th day of April, 1973, at 9:30 o'clock in the forenoon, the following members being present: Mr. A. E. M. Maloney (Chairman), Mr. F. J. L. Evans (Vice-Chairman), and Messrs. Carthy, Cartwright, Cory, Fennell, FitzGerald, Grange, Griffiths, Lochead, MacKinnon, Morden, Pallett, Seagram and Thom.

1. LETTER FROM THE SUPERINTENDENT OF INSURANCE

The Superintendent of Insurance, in a letter dated February 6th, 1973, addressed to the Treasurer informed him that he had sent a bulletin to the insurance industry in August, 1968, which read as follows:

> "The practice of writing policies on dwellings under construction at normal rates and then immediately endorsing the policy to reduce the rates has been drawn to my attention.
>
> Unfortunately sometimes the result of this practice is that the endorsement becomes detached from the policy and the ultimate purchaser is denied the benefit of the reduction in premium.
>
> I consider this procedure to be undesirable and request that any discount allowed on the rate be incorporated in the premium on the policy and not by separate endorsement."

The Superintendent noted in his letter to the Law Society that:

> "It appears that some solicitors choose to ignore the net premium shown directly on fire policies and compute the adjustment on the gross amount which is of course not the amount actually paid. Solicitors acting for purchasers have expressed a reluctance for disputing the adjustment for fear of jeopardizing the closing."

Your Committee was of the opinion that the profession should be alerted to the Superintendent's position as set out in the bulletin. The Committee took the view that no indication as to whether or not the Law Society approved the Superintendent's attitude was necessary.

2. THE COMMUNICATION OF PROPOSED SETTLEMENTS BY A SOLICITOR TO HIS CLIENT

A letter was received from an insurance executive in which he reported that complaints had been made to him by claims staff who suspected in a number of cases that solicitors were not conveying to their clients offers of settlement. He expressed the following request:

> "I would appreciate it if I could have a ruling from the Society as to whether it would be proper for my claims staff when writing to the Plaintiff's solicitor outlining an offer of settlement to send a copy of that letter to the client Plaintiff as well."

Mr. Griffiths was instructed to contact the executive in question to discuss the problem with him.

This matter produced a general discussion concerning the duty of a solicitor to communicate every offer of settlement to his client even though a particular offer may be one he will advise his client to reject.

3. THE ETHICAL POSITION OF A LAWYER COVERED BY THE SOCIETY'S ERRORS AND OMISSIONS POLICY WHEN HE ACTS NEGLIGENTLY IN A MATTER

The Committee had a very full discussion concerning the report of the sub-committee which had been appointed in June 1971 to consider the ethical position of a lawyer covered by the Society's Errors and Omissions policy when he acts negligently.

Mr. Cory presented a draft summary of the Sub-Committee's report in this regard which referred to the complete candour and honesty which must always be paramount in the relationship of a solicitor to his client; to the fact that the introduction of compulsory insurance imposes additional obligations upon a solicitor; but that such obligations must not impair the relationship and duties of a solicitor to his client. The report further recommended that as soon as a solicitor is aware that an error or omission has occurred, which may make him liable to his client for professional negligence, he should take the following steps:

(a) He should immediately arrange an interview with his client and advise the client forthwith that an error or omission may have occurred that may form the basis of a claim by the client.

(b) The solicitor should advise the client to obtain an opinion from another independent solicitor and that in such circumstances he may no longer be able to act for him.

(c) Concurrently, the solicitor should advise Messrs. Maltman & Co., the adjusters for the Society, of the facts of the situation.

(d) The solicitor must bear in mind that in order to fulfil his duties to his client, the insurer and his profession, he must co-operate to the fullest extent and as expeditiously as possible with the Society's adjusters in the investigation and eventual settlement of the claim.

(e) Upon settlement of the client's claim the solicitor must make arrangements to pay that portion of the client's claim that is not covered by the insurance, forthwith upon completion of the settlement.

Your Committee felt that the views of the profession should be sought on this matter before making any recommendation to Convocation. Therefore, the meeting authorized Mr. Cory to draft an appropriate paragraph which would be inserted in the Ontario Reports and which would invite the profession to make its views known on this subject.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

COMPENSATION FUND SUMMARIES

COMPENSATION FUND

For the Period 1st September 1972 to 28th February, 1973

	Month of February, 1973	*6 months ending 28th February, 1973*		
Balance on Hand, 31st Aug., 1972				$1,450,458.76
Receipts				
Fees	$ 2,490.00		$200,705.00	
Investment Income				
Gov. of Canada	—	$ 16,750.00		
Guar. Deposit Receipt Int.	3,926.93	22,607.89		
Bank Interest	—	2.30	39,360.19	
Recoveries				
H. Coleman		$ 218.00		
M. Godo		520.00		
N. Pivnick		5,925.05		
H. Shuttleworth		240.00	6,903.05	246,968.24
	$ 6,416.93			$1,697.427.00
Disbursements				
Counsel Fees, Reporters, etc	6,854.87		$ 8,820.97	
Annual Fee Refunds	—		630.00	
Grants				
J. H. Campbell	535.08	$ 535.08		
G. Passi	3,253.92	3,253.92		
Kennedy	—	368.68	4,157.68	13,608.65
	($ 4,226.94)	Trust Balance 28/2/73		$1,683,818.35

Resumé of Gross Claims Outstanding		
Claims received and not processed as of 31st January, 1973		$2,114,086.04
Received during month of February		
—Blotti	$ 2,400.00	
—Campbell	535.08	2,935.08
		$2,117,021.12
Dismissed, withdrawn or written off during mo. of February	$ 10,471.98	
Settled by payment in whole or in part	3,789.00	14,260.98
**Claims received and not processed as of 28th February, 1973*		$2,102,760.14

*Blotti	—	$ 325,817.34
Caplan	—	1,051,276.12
Harris	—	519,749.90
		$1,896,843.36

Total paid to 28th February, 1973 on account of 825 claims of 84 former solicitors	$2,582,779.56

THE REPORT WAS RECEIVED

COMPENSATION FUND

For the Period 1st September, 1972 to 31st March, 1973

	Month of March, 1973	*7 months ending 31st March, 1973*		
Balance on Hand, 31st Aug., 1972				$1,450,458.76
Receipts				
Fees	$ 5,130.00		$205,835.00	
Investment Income				
Gov. of Canada	1,125.00	$ 17,875.00		
Guar. Deposit Receipt Int.	1,643.84	24,251.73		
Bank Interest	—	2.30	42,129.03	
Disbursements				
H. Coleman	—	$ 218.00		
M. Godo		520.00		
N. Pivnick		5,925.05		
H. Shuttleworth		240.00	6,903.05	254,867.08
	$ 7,898.84			$1,705.325.84
Disbursements				
Counsel Fees, Reporters, etc.	$ 104.00		$ 8,924.97	
Administration	5,000.00		5,000.000	
Annual Fee Refund	—		630.00	
Grants				
J. H. Campbell		$ 535.08		
G. Passi		3,253.92		
Kennedy		368.68	4,157.68	18,712.65
	$ 2,794.84	Trust Balance 31/3/73		$1,686,613.19

Resume of Gross Claims Outstanding	
Claims received and not processed as of 28th February, 1973	$2,102,760.14
Received during month of March — McLeod	26,000.00
	$2,128,760.14

Dismissed, withdrawn or written off during mo. of March	$ 6,250.57	
Settled by payment in whole or in part	—	6,250.57
**Claims received and not processed as of 31st March, 1973*		$2,122,509.57

*Blotti	—	$ 325,817.34
Caplan	—	1,051,276.12
Harris	—	519,749.90
		$1,896,843.36

Total paid to 31st March, 1973 on account of 825 claims of 84 former solicitors	$2,582,779.56

THE REPORT WAS RECEIVED

General Report

Mr. Thom, Chairman, presented the General Report of the Discipline Committee:

Your Committee met on the 19th day of April, 1973, at 11:00 o'clock in the forenoon, the following members being present: Mr Stuart Thom (Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Carley, Carthy, Cass, Chappell, Common, Cory, Evans, Finlayson, Grange, Gray, Griffiths, H. E. Harris, Henderson, MacKinnon, Maloney, Morden, Pallett, Seagram, Trepanier and White.

1. Report of the Sub-Committee on How to Recover Expenses Which Lawyers Have Been Ordered to Pay as a Result of Disciplinary Action Against Them But Have Failed to Pay

The following report came before your Committee and was accepted:

> "Your sub-committee, composed of Mr. Chappell, Chairman, and Messrs. Cass and Grange was appointed in January 1973.
>
> Your sub-committee obtained a legal opinion from Mr. J. Edward Eberle, Q.C., by letters dated March 5th and April 5th, 1973.
>
> We have concluded that although there is authority in Section 40 of the new Act to order payment of the expense or part of the expense incurred by the Society

there is no simple or summary method to collect what was ordered to be paid.

Section 36 of the Act provides that if a member fails to pay any fee or levy, Convocation may, by order, suspend his rights and privileges on such terms as it considers proper. In our opinion fee or levy would not cover an order to pay expenses.

Although it is not clear, it may be that the Law Society could recover those expenses ordered paid subsequent to April 17th, 1972, under the Statutory Power Procedures Act, April 17th being the date the Act came into force.

In respect to amounts owing up to the present we recommend proceeding by ordinary civil action and by generally endorsed writ.

In respect to amounts ordered to be paid in future we could:

> Request an amendment to Section 36 of the Act to include after the word levy "or amount ordered to be paid under Section 40";
>
> or
>
> Make regulation under Section 55 providing that failure to pay expenses ordered to be paid is conduct unbecoming.

If we made such a regulation it would require approval by the Lieutenant-Governor-in-Council under Section 55.

It is possible that we have the power to make a rule under Section 55(16) but we anticipate that any such rule might be successfully challenged in the Courts.

We prefer an amendment to the Act but the procedure and possible delay involved might make it preferable to proceed by regulation under Section 55."

The Secretary was instructed to refer the report to the Legislation and Rules Committee.

2. SUB-COMMITTEE ON THE PROTECTION OF CLIENTS FROM DISHONESTY OF SOLICITORS' EMPLOYEES

The Sub-Committee's report came before your Committee. The report was accepted and the Sub-Committee discharged.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

Re: JOHN HUNTER CAMPBELL, Streetsville

Messrs. Cass, Cooper, Finlayson, W. E. Harris and Strauss absented themselves during consideration of the matter and did not vote.

The solicitor attended with his counsel, Mr. W. D. Mackie, Q.C. Mr. John H. Lytle attended as counsel for the Law Society.

The reporter was sworn.

The Secretary read the Decision of the Discipline Committee dated 3rd November, 1972. The solicitor was found guilty of professional misconduct in that he had failed to file the required report of a public accountant respecting his professional records, made improper payments out of his trust bank account, failed to maintain his books and records in accordance with the Society's Regulation, and failed to maintain on deposit in his trust bank account at all times sufficient funds to meet his trust obligations. The evidence established that the solicitor had a severe alcohol problem.

Counsel made no submissions. The solicitor, both counsel and the reporter retired.

It was moved and seconded that the Decision of the Discipline Committee be accepted. This was *carried.*

Respecting penalty it was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended for a period of nine months.

It was moved and seconded that the solicitor be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the Society be cancelled.

A third motion was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended pending restitution by him of his trust shortage and his establishing to the Society's satisfaction that he has rehabilitated himself and that he is capable and competent to resume the practice of law.

The solicitor, both counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted by Convocation and informed of the motions before Convocation.

Mr. Thom informed Convocation of disciplinary action taken against the solicitor previously and of further complaints against his professional conduct which had been received. Mr. Mackie made submissions respecting penalty.

The solicitor, both counsel and the reporter retired.

The first motion was withdrawn. The third motion was *carried.* The second motion was not put.

DISCIPLINE COMMITTEE—Mr. Thom

Re: ROBERT C. CULLEN, Toronto

Messrs. Bowlby, Evans, H. E. Harris, O'Brien, Seagram and Wallace absented themselves during consideration of the matter and did not vote.

The solicitor attended with his counsel, Mr. D. H. Lissaman, Q.C., and Mr. Eric R. Murray, Q.C., appeared as counsel for the Society. Counsel consented to dispensing with having the Decision of the Discipline Committee, dated 11th April, 1973, read aloud. Convocation recessed to give members an opportunity to read the Decision.

The solicitor was found guilty of professional misconduct in that he misappropriated approximately $2,000.00 belonging to one client and failed to account for an additional $6,300.00; misappropriated $7,500.00 belonging to another client; and in several instances borrowed monies from clients without observing the principles set forth in Ruling 14 of the Professional Conduct Handbook. He also failed to maintain his books and records in accordance with the Society's Regulation, made improper payments out of his trust bank account and failed to maintain on deposit in his trust bank account at all times sufficient funds to meet his trust obligations.

When Convocation resumed, Mr. Lissaman made submissions on behalf of the solicitor.

The solicitor, both counsel and the reporter retired.

It was moved and seconded that the Decision of the Discipline Committee be accepted. This was *carried.*

It was moved and seconded that the solicitor's rights and privileges as a member of the Society be suspended pending restitution by him of his trust shortage and his establishing to the Society's satisfaction that he had rehabilitated himself and that he is capable and competent to resume the practice of law.

It was moved and seconded that the solicitor be disbarred as a Barrister and that his name be struck off the Roll of

Solicitors and that his membership in the Society be cancelled.

It was further moved and seconded that the solicitor be permitted to resign his membership in the Society.

The solicitor, both counsel and the reporter returned.

The solicitor and counsel were advised that the Decision of the Discipline Committee had been accepted and informed of the motions before Convocation.

CONVOCATION ADJOURNED AT 12:45 P.M. AND RESUMED AT 2:15 P.M., A QUORUM BEING PRESENT

Mr. Lissaman made submissions respecting penalty.

The solicitor, both counsel and the reporter retired.

The motion that the solicitor be disbarred was *carried.*

ORDER

Re: PERRY C. YOUNG, Toronto

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF Perry C. Young, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated 5th March, 1973 in the presence of the Solicitor and his Counsel, wherein the Solicitor was found guilty of professional misconduct and having heard such additional evidence as was adduced, and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said PERRY C. YOUNG be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

Dated this 16th day of March 1973.

"Sydney L. Robins"
Treasurer

(SEAL—Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary

Filed

ORDER

Re: DANIEL EARL McLEOD, Toronto

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA
IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF Daniel Earl McLeod, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read and accepted the Decisions of the Discipline Committee, dated the 5th day of June, 1972 and the 7th day of February, 1973, in the presence of the Solicitor, his Counsel and Counsel for the Society, wherein the Solicitor was found guilty of professional misconduct and conduct unbecoming a barrister and solicitor, and having heard counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said DANIEL EARL McLEOD be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

Dated this 16th day of March, 1973.

"Sydney L. Robins"
Treasurer

(SEAL—Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary

Filed

ORDER

Re: BRUCE M. WHITE, Madoc

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA
IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF Bruce M. White, of the Village of Madoc, a Barrister and Solicitor

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated the 14th day of February, 1973, in the presence of the Solicitor and

Counsel for the Society, wherein the Solicitor was found guilty of professional misconduct, and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said BRUCE M. WHITE be reprimanded in Convocation;

AND CONVOCATION FURTHER ORDERS that the said BRUCE M. WHITE pay the expenses of the Society's investigation of his professional affairs and of the hearing.

Dated this 16th day of March, 1973.

"Sydney L. Robins"
Treasurer

(SEAL—Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary

Filed

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Saturday, the 14th day of April, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Carley, Cass, Cory, Ferrier, Gray, Griffiths, A. W. Maloney and Trepanier.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 95(2) of the Regulation for the 11 months ended February 28th, 1973.

(b) the Director submitted recommendations with respect to writing off client recoveries, pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

A copy of the recommendations for writing off client recoveries was before Convocation.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 11 months ended February 28th, 1973.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of March, 1973.

(b) The Legal Accounts Officer submitted a report for the month of March, 1973 with respect to reviews and appeals.

REPRESENTATIVE OF THE ATTORNEY GENERAL OF CANADA ON THE LEGAL AID COMMITTEE

Your Committee was informed that the Treasurer has been advised that Gordon P. Killeen, Q.C., was appointed the representative of the Attorney General of Canada on the Legal Aid Committee of the Law Society of Upper Canada pursuant to Section 2 of the Agreement Respecting Legal Aid in Matters Related to the Criminal Law signed by the Attorney General of Ontario and the Attorney General of Canada on March 15th, 1973.

BAR ADMISSION COURSE — ONTARIO LEGAL AID PLAN

Discussions have taken place with J. C. MacDonald, Director of the Bar Admission Course, and Mrs. Rachael Knox, Assistant Director and Registrar. It has been agreed that the Legal Aid course will be a credit course lasting three days.

A sub-committee has been appointed to organize and supervise the 1973-74 course, consisting of: John D. Bowlby, Q.C., and Messrs. Cory, Griffiths and Morden. The Director and Mrs. A. C. R. Rosenthal, Legal Accounts Officer, will assist the sub-committee.

COMMUNITY LEGAL SERVICES

(a) *Re: Hamilton Pilot Project*

L. S. Fairbairn, Assistant Provincial Director, submitted an interim report on the operation of the Hamilton Pilot Project for the period October 1st, 1972 to March 31st, 1973.

(b) *Advice and Assistance Project — Peterborough*

L. S. Fairbairn, Assistant Provincial Director, submitted a report to the Committee setting out detailed proposals for the Advice and Assistance Project in Peterborough and a proposed schedule for implementation.

Mr. Fairbairn advised the Committee that, prior to the May meeting, he would elicit proposals for the "bench mark" survey and settle suggested financial criteria for the programme with the Director of the Legal Aid Assessment Branch of the Ministry of Community and Social Services.

STUDENT LEGAL AID SOCIETIES

(Financial Assistance)

Re: *Distribution to Law Schools of Unexpended Budget Allocation — Fiscal Year 1972*

The Committee reviewed a memorandum prepared by Mr. Fairbairn, Assistant Provincial Director, concerning a proposed distribution to the various Student Legal Aid Societies of the unexpended budget allocation for such societies during 1972. The Committee recommended that the outstanding sum of $26,000.00 be distributed to the law schools in individual amounts to be suggested jointly by Messrs. Fitzgerald and Fairbairn.

Following a review of the number of students participating at each Student Legal Aid Society, the number of matters dealt with by individual societies and the budget information submitted by the various schools, it was recommended that the unexpended 1972 budget allocation for Student Legal Aid Societies be distributed to the individual law schools as follows:

Ottawa	$4,500
Queen's	5,000
Osgoode	5,500
Windsor	4,000
Western	3,500
U. of T.	3,500
	$26,000

It is, therefore, recommended that the sums indicated for the individual schools respectively be distributed forthwith on the following conditions:

a) that the money is used for the purposes of the schools' Student Legal Aid Societies in the furtherance of student legal aid activity within the approved function of such societies,

b) an accounting, with respect to the disbursement of these funds, be provided to the Legal Aid Committee within six months of the date of distribution thereof,

c) if the schools have any doubt concerning the disbursement of such funds or the approved function of their Student Legal Aid Society, such doubt may be resolved upon summary application to the Chairman of the Sub-Committee on Student Legal Aid Societies.

DUTY COUNSEL — STAND-BY SERVICE, YORK COUNTY

At the January 1973 meeting the Committee approved a pilot project in York County which would provide a stand-by duty counsel service; the said pilot project to operate for two months.

Your Committee received a report from W. R. Donkin, Q.C., Area Director, York County, on the activity of the first four weeks.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

The Sub-Committee appointed to Review the Legal Aid Tariffs, consisting of W. Gibson Gray, Q.C., Chairman, and Messrs. Cooper, Griffiths, Killeen, Lochead, A. E. Maloney, A. W. Maloney, and Poole, met on November 19, December 6 and 11, 1972; January 17, 20 and 30, February 7 and 20, March 10 and April 5, 1973. The Chairman of the Sub-Committee also met with members of the Legal Aid staff on numerous occasions.

Your Committee now recommends the adoption of the report of the Sub-Committee dated April 14th, 1973.

The material before Convocation includes the report of the Chairman, a report from the Controller on the estimated effect of the proposed tariff changes, the revised Schedule dated April 14, 1973, and the previous tariff schedules under Regulation 557.

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, the following have been appointed members of the respective Area Committees:

Huron County

Peter L. Raymond, Solicitor, Exeter

Lincoln County

Malte vonAnrep, Solicitor, St. Catharines
John E. Wilson, Solicitor, St. Catharines

Parry Sound District

James Kyl-Heku, Probation Officer, Parry Sound

Waterloo County

Mrs. Marjorie Barber (lay member)
J. R. Guy, Solicitor, Kitchener
S. R. Cameron, Solicitor, Kitchener

Wellington County

David C. Smith, Solicitor, Guelph
Joseph Berry, Solicitor, Guelph
D. M. B. Bean, Solicitor, Guelph
John Valeriote, Solicitor, Guelph

Resignations:

Lambton County

Raymond V. Donohue, Solicitor

Parry Sound District

G. D. Stone, Q.C.
Rev. J. V. Ryan

Simcoe County

John W. P. Anjo, Solicitor

Huron County

Elmer D. Bell, Q.C.

Lincoln County

G. M. Lampard, Q.C.
Donald J. Taliano, Solicitor

Waterloo County

J. S. Askin, Q.C.
J. C. M. Gothard, Solicitor
F. T. Kirvan, Solicitor

Wellington County

J. D. Wilson, Q.C.

Peel County

Albert Grenville Davis, Q.C., deceased

It was moved by Mr. Fitzgerald, seconded by Mr. Cory, that Tariff items 13 and 14 be deleted and also the line in brackets under the heading "Supreme Court Actions". (Schedule K, proposed amended Legal Aid Tariffs p. 2 and p. 11)

Carried

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—Mr. H. E. Harris

Your Committee met on Thursday, the 19th day of April, 1973, the following members being present: Messrs. Harris (Vice-Chairman), Borins, Carley, Grange, Maloney, Seagram and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to March 31, 1973 were *approved.*

GIFTS AND DONATIONS

The following donation has been received:

His Honour Judge Edward Shortt, Lanark County, Perth, Ontario: A copy of his book *The Memorable Duel at Perth.* (Perth) Ontario, The Perth Museum, 1970. *Noted*

SUMMER HELP

Permission is requested to engage up to three persons, if necessary, to assist in the Great Library during the summer months at a rate of $2.50 per hour.

Approved, subject to the approval of the Finance Committee.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1972. The amount of the grant which they should receive under the Rules in 1973 and that which they received in 1972 are as follows:

	1972	*1973*
Algoma	$1,850.00	$2,000.00
Haldimand	750.00	750.00
Kent	$2,000.00	2,000.00
Lambton	1,435.00	2,200.00
Leeds & Grenville	1,005.00	1,040.00
Norfolk	975.00	940.00
Northumberland & Durham	1,530.00	1,470.00
Rainy River	750.00	750.00
Renfrew	1,075.00	945.00
Simcoe	2,000.00	2,000.00
Thunder Bay	1,047.00	1,690.00
Welland	1,530.00	2,000.00
Wellington	2,000.00	2,000.00
York	3,500.00	3,500.00

Approved

HAMILTON LAW ASSOCIATION

A Trustee of the Hamilton Law Association attended before your Committee to discuss the matter of obtaining funds with which to purchase books for the Association's library. It is your Committee's information that this library is seriously deficient in its book holdings. Your Committee has instructed the Chief Librarian to meet with representatives of the Association and report back, as soon as possible, to your Committee with a list of the books necessary to bring the library up to working standards and an estimate of the cost to do this. Your Committee will then meet again with representatives of the Hamilton Law Association to discuss how the Society might assist in obtaining funds.

REPORTING

TAXATION CASES

Your Committee had before it a letter from a Toronto solicitor requesting your Committee to consider the question of whether the names of solicitors should be reported in the solicitor and client taxation cases reported in the Ontario Reports. Your Committee recommends that the Secretary write the Toronto solicitor, advising that the Law Society has formulated no policy in the past respecting this matter and that the decision to print or withhold publication of a solicitor's name remains solely in the discretion of the Court or officer making the decision in question, in the first instance, and then in the discretion of the Editor.

BUTTERWORTH & CO. (CANADA) LTD. — MICROFILMING OF ONTARIO LAW REPORTS, ONTARIO REPORTS AND ONTARIO WEEKLY NOTES

In May 1972 Convocation adopted this Committee's recommendation to permit Butterworth & Co. (Canada) Ltd. to microfilm the above Reports, subject to a suitable contract being negotiated. Butterworths had proposed filming the Reports in two forms — roll film (either 16mm or 35mm) and microfiche. Butterworths has now advised your Committee that an entirely new filming process called ultrafiche is being researched and has suggested that its present negotiations with the Society be suspended pending completion of the ultrafiche study.

Your Committee recommends that the present negotiations with Butterworths be terminated completely.

THE REPORT WAS ADOPTED

Mr. H. E. Harris, Vice-Chairman, presented the second Report of the Libraries and Reporting Committee also dated 19th April, 1973:

Your Committee met on Thursday, the 19th day of April, 1973, the following members being present: Messrs. Harris (Vice-Chairman), Borins, Carley, Grange, Maloney, Seagram and Zahoruk, and Miss A. R. McCormick.

In November 1972 Convocation adopted your Committee's recommendation to permit Butterworth & Co. (Canada) Ltd. to reprint the Digest of Ontario Case Law (1823-1900) Volumes 1-4, subject to a suitable contract being negotiated. Your Committee has completed negotiations and recommends that the Society contract with Butterworths in the form approved.

This form is agreeable to Butterworths.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Fennell

Your Committee met on Thursday, the 19th day of April, 1973, the following members being present: Mr. Fennell (Vice-Chairman in the Chair), Messrs. Cass, Chappell, Cooper, FitzGerald, Henderson, Pallett, Sopha and Trepanier.

On Counsel's advice, your Committee instructed that a charge of unauthorized practice be laid against a divorce company operating in eastern Ontario.

Two files were referred to Counsel for investigation and opinion. One file involves a non-solicitor in northern Ontario acting on real estate transactions. The other involves a non-solicitor who appears to have acted for someone charged with an indictable offence under the Criminal Code.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. White

Your Committee met on Thursday, the 19th day of April, 1973, at 1:00 p.m., the following members being present: Mr. Henderson, Chairman, and Messrs. Carley, Morden and White.

An "Aide Memoire"

An "Aide Memoire" respecting the Public Relations program of the Canadian Bar Association is before the Committee for consideration. This matter was before the Committee on the 8th of March and was allowed to stand to this meeting.

The Committee is giving consideration to priorities and will report to a later Convocation.

PRESS COUNCIL DINNER

It has been suggested that the Public Relations Committee of the Ontario Section of the Canadian Bar Association and the Public Relations Committee of the Law Society of Upper Canada jointly sponsor a Press Council Dinner and that the Law Society contribute up to $300 towards the expense.

This matter was before the Committee on the 8th of March and was allowed to stand to give the Vice-Chairman an opportunity to discuss the matter further with the Chairman of this Committee and with a representative of the Public Relations Committee of the Ontario Branch of the Canadian Bar Association.

The matter is now being considered by the Treasurer.

HISTORY OF THE LEGAL PROFESSION

The Society has for some years been aware that it would be most desirable if someone were to write a history of the legal profession in Ontario. The matter was considered carefully in 1968 and discussed with Mr. Merrill Denison, a professional writer, who estimated that it would cost approximately $200,000 to complete a two-volume work. Convocation did not approve such an expenditure. At least one other proposal has been considered since then but not proceeded with.

Recently the matter has been discussed with Professor Richard Risk of the Faculty of Law, University of Toronto. A letter from Professor Risk is before the Committee with a description of the scope of a book he would be prepared to write. He estimates the cost at approximately $65,000. The arrangements would involve a contract between the Society and the Governing Council of the University of Toronto, which would include commitments for writing the book and making payments to the University. Another contract would be made between the Society and Professor Risk.

Mr. John Honsberger has expressed an intention to write a history of the Society or of the legal profession without financial assistance and a letter from him is before the Committee in which he asks to be allowed access to certain of the Society's records.

The matter is being pursued with Professor Risk and Mr. Honsberger.

FILMS — FOR PUBLIC INFORMATION

An organization called "Film DR Productions Ltd." wrote to the Society in March proposing the production of a series of short films to cover such areas as wills, divorce kits and civil liberties, landlord and tenant, and so on. The correspondence is before the Committee.

Noted.

THE REPORT WAS ADOPTED

BUILDING COMMITTEE—Mr. Sheard

Your Committee met on Tuesday, the 17th day of April, 1973, at 2:00 p.m., the following members being present: Mr. Robins (Chairman), Messrs. Common and Sheard.

Mr. Heeney was also present by invitation.

ACCOMMODATION — SECRETARY'S STAFF AND RECORDS

MUNIMENTS AND MEMORABILIA — SPACE

BARRISTERS' DINING ROOM — KITCHEN

At its February meeting, the Finance Committee recommended the approval of alterations in the present Records Room on the main floor and Xerox Room to provide better accommodation for solicitors' records and the Secretary's staff. The recommendation was adopted by Convocation and Mr. Heeney was instructed to proceed.

In November 1972, the Building Committee had before it a proposal to provide space for Muniments and Memorabilia and to extend the kitchen facilities in connection with the Barristers' Dining Room. This recommendation was adopted by Convocation and Mr. Heeney was given authority to proceed.

Mrs. Bested, who is in charge of the kitchen for the Barristers' Dining Hall, made certain suggestions and requests respecting equipment and space and Mr. Heeney was asked to examine them and report. His report dated the 9th of February 1973 is before the Committee together with a floor plan of the area involved. Your Committee is asked to consider the suggestions made respecting the kitchen equipment and the details of the floor plan.

Your Committee recommends approval of the plan issued February 1973 and approval of the additional expenditure.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on the 19th day of April, 1973, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass and Morden.

Certain payments were approved.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 4:15 P.M.

Read in Convocation and confirmed this 18th day of May, 1973.

"Sydney L. Robins"
Treasurer

MINUTES OF CONVOCATION

Friday, 18th May, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Bowlby, Carthy, Cartwright, Cass, Chappell, Cooper, Cory, Fennell, Finlayson, Grange, Gray, Griffiths, H. E. Harris, Henderson, Howland, Levinter, Lochead, Maloney, Morden, MacKinnon, O'Brien, Pallett, Pattillo, Pepper, Seagram, Sheard, Slemin, Sopha, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston and Zahoruk.

Miss L. Dorothy Martin and Mr. William R. Kay, F.C.A., lay members of the Law Society Council, were present at the Treasurer's invitation..

Mr. Terence Sheard, Q.C., was elected Chairman.

ELECTION OF TREASURER

Mr. Sydney Lewis Robins, Q.C., was elected Treasurer for the ensuing year. On taking the Chair, Mr. Robins thanked Convocation for its support. In a brief address he said the only way the legal profession can avoid suspicion and distrust is to anticipate public needs and move quickly to meet them, and stated that: "We must act openly and frankly, showing what we are doing and why we are doing it."

The Treasurer welcomed the two lay members at Convocation.

The Treasurer noted with sadness the death on 4th May, 1973, of the Honourable Leslie M. Frost who was Prime Minister of Ontario from 1949 to 1961 — a term of office surpassed only by that of Sir Oliver Mowat in the last century. Mr. Frost was made an Honorary Bencher of the Society in 1961 and became a Life Member in 1971. He was called to the

Bar in 1921 and began practising law with his brother in Lindsay. After his retirement as Prime Minister he returned to his practice in Lindsay and at the time of his death was senior partner of the firm of Frost, Inrig and Gorwill. Throughout his life he took pride in being a "small-town lawyer".

The Minutes of Convocation of 27th April, 1973, were read and confirmed.

FIFTH UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

The Treasurer reported the appointment of Mr. Austin Cooper, Q.C., as the Society's representative on the Canadian Organizing Committee which will plan and make preparations for the Fifth United Nations Congress on the Prevention of Crime and Treatment of Offenders which is to be held in Toronto during the first two weeks of September 1975.

DISCIPLINE COMMITTEE—Mr. Thom

Re: BRIAN WILLIAM KING, Oakville

The solicitor attended and the matter was adjourned at the Society's request to the June Convocation.

NON-ATTENDANCE OF BENCHERS

The Secretary drew to the attention of Convocation as required by Rule 25(2) that Mr. Walter B. Williston, Q.C., had not attended six consecutive regular Convocations and that the notice required by Rule 25(1) was not given.

It was moved and seconded that Mr. Williston's attendance record be deplored and that he be advised of this and that Convocation considers in the interests of the work of Convocation, he should resign his membership on the Bench.

It was moved and seconded that the motion be amended by striking out all the words that follow the word "deplored". This was *carried.*

The motion as amended was *carried.*

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 10th of May, 1973, at 2:30 p.m., the following members being present: Mr. S. G. M. Grange, Vice-Chairman in the Chair, and Messrs. Carthy, Cass, Cory, Finlayson, Krever, Pattillo, Sheard and Thom.

DIRECTOR'S REPORT

Office Accommodation: It is recommended that the Men's Common Room be converted to offices for staff members, whose duties are primarily concerned with Continuing Education.

Approved subject to the approval of the Building Committee and the Finance Committee.

Collator: It is recommended that the Law Society enter into a leasing arrangement for the use of collator equipment as of the 1st of May rather than the 1st of July, 1973.

Approved subject to the approval of the Finance Committee.

Proposal for the publication of a manuscript on the subject of Collateral Benefits in the Assessment of Damages in Tort Actions: This manuscript was written in 1972 by Mr. Ronald McInnes in consultation with Mr. Justice E. L. Haines.

It is recommended that the Department of Continuing Education be authorized to print 1,500 copies of the book for distribution at a unit price of $20.

Approved subject to the Secretary receiving the approval of other Law Societies before approaching their members directly.

Proposal for the publication of the second edition of the Income Tax Law of Canada by Arthur R. A. Scace: The first edition of this text was declared out of print officially on the 1st of May, 1973.

It is recommended that the Department of Continuing Education be authorized to order the printing of 3,000 copies of the book for distribution at a unit price of $25.

Approved subject to the Secretary receiving approval of other Law Societies before approaching their members directly.

Bar Admission Course — Ontario Legal Aid Plan: The Chairman of the Legal Aid Committee at its April meeting expressed concern with respect to the lack of proper attendance of students at the Bar Admission Course lecture on the Legal Aid Plan. Discussions have now taken place with Mr.

J. C. MacDonald, Director of the Bar Admission Course and Mrs. E. Rachael Knox, Assistant Director and Registrar. It has been agreed that the Legal Aid course will be a credit course lasting three days. The Committee is asked to approve the appointment of a Sub-Committee to organize and supervise the 1973-4 courses consisting of Mr. John D. Bowlby as Chairman, and Messrs. Cory, Griffiths and Morden. The Director and Mrs. A. C. R. Rosenthal, Legal Accounts Officer, will assist the Sub-Committee. *Approved*

Bar Admission Course Enrolment: It is estimated that there will be 727 students in the 1973-74 teaching term of the Bar Admission Course, which number is made up as follows:

Students expected to enter teaching term upon completion of articles		711
Students who were unsuccessful in the 1972-73 teaching term and may be expected to repeat the teaching term	17	
Expected entry under special regulations (Based on the average percentage for past 3 years — .6%)	4	
Expected deferments from previous years	10	31
		742
Expected deferments from current term (Based on average percentage for past 3 years — 2.2%)		15
		727

Student Awards Programme: Allowances under the Student Awards Programme have been increased this year and will result in considerable benefit to the graduate students.

Details were discussed at the Annual Meeting of the Association of Student Award Officers of Ontario which was held in Osgoode Hall on the 11th and 12th of April and again at a meeting for Awards Officers held at the offices of the Ministry of Colleges and Universities on the 13th of April, 1973.

Since then Miss Patricia Jacklin attended a Workshop sponsored by the Ministry and held at Geneva Park on the 25th, 26th and 27th of April, where the new policy and changes in the processing of applications were discussed.

Articling: A recent survey, conducted by this office, of the Ontario Law Schools, has produced the following estimates:

	3rd Year Enrolment	*Without Articles*	*Electing Not to Article*
Toronto	150	9	3
Ottawa	52	3	1
Queen's	126	21	16
Western	122	28	3
Windsor	91	3	5
York	273	38	3
	814	102	31

Regional Presentations in Continuing Education:

(a) On Saturday, 14th April, 1973, Mr. H. Douglas Wilkins conducted a seminar on the subject of Family Law for 18 members of the Essex County Law Association in Windsor, Faculty of Law, in co-operation with Professor Ronald Ianni and Professor Margaret Hughes. A recent letter from the Essex County Law Association expressed praise for Mr. Wilkins' efforts and gratitude to the Department for arranging the presentation.

(b) On Friday and Saturday, 22nd and 23rd June, 1973, Mr. Robert E. Jarman will conduct a seminar on the subject of the Administration of Estates for members of the Peterborough, Victoria, Northumberland and Durham County Law Associations. This is the third regional seminar to be held in Peterborough and the local co-ordinator is Mr. Norman Jamieson.

(c) The members of the Elgin County Law Association through their Chairman of Legal Education, Mr. Alfred Mamo, are now deciding on a date for the presentation of a seminar on Family Law.

(d) The Department is now receiving requests from County Law Associations for seminar presentations in the fall, and the first such programme is scheduled to take place in London on 12th October. The subject of discussion will be Family Law.

March Special Lectures Series 1974: Mr. J. J. Carthy, Mr. Justice Estey and Mr. R. H. Carley have been appointed to act as the Planning Committee for the March Special Lectures Series of 1974, for which the tentative dates are Friday and Saturday, 1st and 2nd March, 1974 and Friday and Saturday, 8th and 9th March, 1974. At the same time the Department of Continuing Education is investigating the possibility of publishing and distributing the bound volume which results from the presentation of the Special Lectures Series in 1974 and are taking steps to expand their existing mailing list for this purpose.

THE REPORT WAS ADOPTED

Mr. Grange, Vice-Chairman, presented the Report of the Legal Education Committee for its meetings of 3rd May, 1973, and 9th May, 1973:

Your Committee met on Thursday, the 3rd of May, 1973, at 10:00 o'clock in the morning and on Wednesday, the 9th of May, at the same hour, to consider fifteen petitions received from candidates who failed the Fourteenth Bar Admission Course. The following members were present on both occasions with the exception of Mr. A. E. M. Maloney who became ill and was unable to attend on 9th May: Mr. S. G. M. Grange, Vice-Chairman in the Chair, and Messrs. Finlayson, Henderson, Maloney, Pattillo, Sopha, Thom and White.

Thirteen petitioners were represented by counsel and two attended without counsel. One counsel was granted an adjournment *sine die* as the petitioner was ill and in the hospital.

Your Committee, after considering each petition carefully and the submissions made with respect to them, recommends that the petitions made by ten of the petitioners be denied.

Your Committee recommends that the petitions made by the following be granted and that they be called to the bar:

Terence John Mayhew

Donald F. Sayles

Laverne J. Urban

Your Committee recommends that the petition made by the following be granted and that he be allowed to sit the teaching portion of the Bar Admission Course a third time in view of the special circumstances:

Mark Langdon Forbes

The Treasurer ruled that the petitioners had no right to appear before Convocation but that as a matter of grace they would be permitted to appear. He also ruled that consideration by Convocation was not by way of appeal from the action of the Legal Education Committee.

Five petitioners attended before Convocation and made submissions, either personally or through counsel.

THE REPORT WAS ADOPTED

CONVOCATION ADJOURNED AT 12:50 P.M. AND RESUMED AT 2:30 P.M., A QUORUM BEING PRESENT

It was moved by Mr. Henderson, seconded by Mr. Finlayson, that a special committee of Convocation be appointed by the Treasurer to consider the criteria being applied to the examination of students in the Bar Admission Course in all its aspects, including the written tests as well as the reports of Heads of Courses and Heads of Seminars and to make recommendations relating thereto to Convocation after consideration by the Legal Education Committee. One aspect of the study should relate to the practicability of having petitions of review filed by students, the applications of whom had been refused by a Committee of Benchers pursuant to Section 27(4) of the Law Society Act, considered by the full Legal Education Committee rather than Convocation. Another aspect of the study should relate to the present policy of marking which rejects the opportunity of a student to try a supplemental examination.

It was moved by Mr. MacKinnon, seconded by Mr. Cass, that the whole matter be referred to the Legal Education Committee. This was *carried*.

ORDER

Re: ROBERT C. CULLEN, Toronto

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF Robert C. Cullen, of the City of Toronto, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read and accepted the Decision of the Discipline Committee, dated the 11th day of April, 1973, in the presence of the Solicitor, his Counsel and Counsel for the Society, wherein the Solicitor was found guilty of professional misconduct, and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the said ROBERT C. CULLEN be disbarred as a Barrister and that his name be struck off the Roll of Solicitors and that his membership in the said Society be cancelled.

DATED this 27th day of April, 1973.

"Sydney L. Robins"
Treasurer

(SEAL—Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary
Filed

ORDER

Re: JOHN HUNTER CAMPBELL, Streetsville

The Secretary presented the following Order which is entered on the Minutes of Convocation:

THE LAW SOCIETY OF UPPER CANADA

IN THE MATTER OF The Law Society Act, 1970

AND IN THE MATTER OF John Hunter Campbell, of the Town of Streetsville, a Barrister and Solicitor (hereinafter referred to as "the Solicitor")

CONVOCATION of The Law Society of Upper Canada having read the Decision of the Discipline Committee dated 3rd November 1972, in the presence of the Solicitor, his Counsel and Counsel for the Society, wherein the Solicitor was found guilty of professional misconduct and having heard additional evidence as was adduced, and having heard Counsel aforesaid;

CONVOCATION HEREBY ORDERS that the rights and privileges of the said JOHN HUNTER CAMPBELL as a member of the Society be suspended from the 27th day of April 1973 onwards pending restitution by him of his trust shortage and his establishing to the Society's satisfaction that he has rehabilitated himself and that he is capable and competent to resume the practice of law.

DATED this 27th day of April, 1973.

"Sydney L. Robins"
Treasurer

(SEAL—Law Society of
Upper Canada)

"Kenneth Jarvis"
Secretary
Filed

DISCIPLINE COMMITTEE—Mr. Thom

Re: HARRY KOPYTO, Student-at-Law, Toronto

The reporter was sworn.

The student attended with his counsel, Mr. Robert J. Carter.

The Secretary read the Decision of the Discipline Committee.

The student was found guilty of conduct unbecoming a student member of the Society. He had looked at another student's paper during an examination and changed some of his own answers to conform with what he had seen. He had been given a zero mark in that examination which resulted in his failing the Bar Admission Course.

Mr. Carter made no submissions respecting the Decision of the Committee. The student, his counsel and the reporter retired.

It was moved and seconded that the Decision of the Discipline Committee be accepted. This was *carried.*

It was moved and seconded that the student be reprimanded in Convocation.

It was moved and seconded that if the student is permitted to continue his membership in the Society or if his membership is revived at any time in the future, he be required to attend before Convocation at the Society's convenience to be reprimanded; and if the student's membership in the Society is not continued, no penalty should be imposed.

The student, his counsel and the reporter returned and were advised of the acceptance of the Decision by Convocation and of the motions before Convocation respecting penalty. All retired.

The first motion (that the student be reprimanded in Convocation) was *carried.* The second motion was not put.

The student, his counsel and the reporter returned and were advised of the result and that this result does not decide the question whether the student is to be allowed to repeat the teaching portion of the Bar Admission Course a third time.

Through his counsel the student waived his right of appeal as provided by Section 44 of The Law Society Act and agreed that the Order of Reprimand of Convocation should be carried out forthwith.

The student was reprimanded by the Treasurer.

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 10th day of May, 1973, at 1:30 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Cartwright, Lochead, Pattillo, Sheard and Thom.

DIRECT TRANSFER FROM QUEBEC

An application for direct transfer to practise in Ontario was considered by your Committee. The applicant was advised that he may be called to the Bar upon successful completion of the Bar Admission Course including the articling period.

SPECIAL PETITIONS

Your Committee considered two special petitions. One petitioner sought permission to vary the articling requirements or alternatively to defer entry into the Bar Admission Course for two years until 1975. The petitioner was advised that his request for deferment was granted. The other petitioner sought acceptance of her period of employment as a legal secretary to a Judge of the Supreme Court of Canada as compliance with the articling requirements. The petition was granted subject to confirmation that she served as a law clerk to the Judge.

REPORT OF THE EXAMINING BOARD

The report of the examinations held in May 1973 is before the Committee. Two candidates sat the examination. The following candidate passed:

Gwen Kathleen Randall

One candidate failed.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Beament

Your Committee met on Thursday, the 10th day of May, 1973, at 3:30 p.m., the following members being present: Messrs. Beament (Vice-Chairman in the Chair), Cartwright, Fennell, Howland, Pallett, Pattillo, Sheard, Steele, Thom and Trepanier.

ACCOUNTS

The Secretary reports that from 1st April, 1973 to 30th April, 1973 accounts (including Library Accounts), properly approved, to the amount of $164,069.54 have been paid.

Noted

FINANCIAL STATEMENT, 1st September, 1972 to 30th April, 1973

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September, 1972 to 30th April, 1973. *Approved*

ROLLS AND RECORDS

The Secretary reports:

Appointment to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Roy B. Mitchell, Thunder Bay: Called — 19 April 1963. Appointed Provincial Judge, Criminal Division, District of Thunder Bay — 18 April 1973.

Warren Liddell Durham, Oakville: Called — 23 June 1955. Appointed Provincial Judge, Family Division, County of Peel — 18 April 1973.

Appointment as Master

John Murray Ferron, Q.C., Toronto: Called — 23 June 1955. Appointed Master, Supreme Court of Ontario — 26 April 1973.

Deaths

The following members have died:

Terrence Arthur Swanson King, Toronto: Called — 16 September 1948. Deceased — 6 September 1972.

Arthur Lawrence Scace, Q.C., Toronto: Called — 21 January 1926. Deceased — 28 April 1973.

The Honourable Leslie Miscampbell Frost, P.C., Q.C., (Honorary Bencher and Life Member) Lindsay: Called — 8 September 1921. Deceased — 4 May 1973.

Hamnett Pinhey Hill, Q.C., Ottawa: Called — 17 June 1937. Deceased — 29 March 1973.

Disbarment

The following former member has been disbarred and struck off the rolls, and his name has been removed from the rolls and records of the Society:

Robert Cameron Cullen, Toronto: Called — 20 February, 1959. Disbarred — Convocation, 27 April, 1973. *Noted*

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presents a memorandum listing the Associations which have sent in their Annual Returns for 1972. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved subject to the approval of the Libraries and Reporting Committee.

LEGAL EDUCATION COMMITTEE

The following items also appear on the agenda of the Legal Education Committee:

Office Accommodation: It is recommended that the Men's Common Room be converted to offices for staff members, whose duties are primarily concerned with Continuing Education.

Your Committee recommends that the matter be referred to the Secretary to obtain estimates of cost from Mr. Arthur Heeney.

Collator: It is recommended that the Law Society enter into a leasing arrangement for the use of collator equipment as of the 1st of May rather than the 1st of July, 1973. *Approved*

Proposal for the publication of a manuscript on the subject of Collateral Benefits in the Assessment of Damages in Tort Actions: This manuscript was written in 1972 by Mr. Ronald McInnes in consultation with Mr. Justice E. L. Haines.

It is recommended that the Department of Continuing Education be authorized to print 1,500 copies of the book for distribution at a unit price of $20. *Approved*

Proposal for the publication of the second edition of the Income Tax Law of Canada by Arthur R. A. Scace: The first edition of this text was declared out of print officially on the 1st of May, 1973.

It is recommended that the Department of Continuing Education be authorized to order the printing of 3,000 copies of the book for distribution at a unit price of $25.

Your Committee recommends that the matter go forward to Convocation with whatever information is available at that time.

Mr. Cartwright took no part in the discussion and did not vote.

Staff — Bar Admission Course Office:

In February the Committee and Convocation approved of the hiring of a Dictatypist at a salary of $5,200 per annum and of a full-time Bindery Operator at an additional salary of $2,020 (i.e., a salary of $4,620 per annum).

Authorization is now sought for the hiring of four additional persons as of the 1st of July in view of the fact that no decision has been taken on the question of abolishing articles. *Approved*

GARDEN PARTY — SIR WILLIAM CAMPBELL FOUNDATION

Mrs. George Finlayson of the Women's Committee of the Sir William Campbell Foundation, has written to the Society suggesting that a garden party be held on the front lawn of Osgoode Hall between 6:00 and 11:00 p.m. on 7th September, 1973. The purpose is to raise additional monies to furnish the Campbell House. The proposed entertainment will include Scottish Dancers, strolling strings, a fashion show and members of the Royal Regiment in parade uniforms. Mrs. Finlayson hopes that in addition to a viewing of the Campbell House, a tour of Osgoode Hall could be arranged. Mrs. Finlayson's letter was before the Committee at its last meeting and the matter was put over until this meeting. Further information has been supplied and is now before the Committee.

Your Committee recommends that the proposal be approved in principle subject to detailed arrangements for the protection of the Society's interests being made to the satisfaction of the Treasurer and subject to the approval of the Government of Ontario.

TOURS OF OSGOODE HALL

Mr. J. G. Littlejohn, a Solicitor practising in Toronto with Rio Algom Mines, asks to have an evening tour of Osgoode Hall arranged for about 20 people on one of the following dates: May 23rd, 24th, 30th or 31st, 1973. Permission would involve the Society's staff arranging the tour, providing guides and some extra maintenance.

Correspondence from Mr. J. Paul Denter, on behalf of Heritage Toronto, is before the Committee. Members of Heritage Toronto would like to tour the Law Society's portion of Osgoode Hall on either Saturday, 19th May or Saturday, 26th May. They expect about 100 people to attend. The Society's staff would have to arrange this tour.

Your Committee recommends approval in principle of tours being arranged and conducted by the Society's staff subject to arrangements for the protection of the Society's interests being made to the satisfaction of the Treasurer and subject to the approval of the Government of Ontario.

Mr. Finlayson took no part in the discussion and did not vote.

Mr. Cartwright was not present during the discussion and did not vote.

THE REPORT WAS ADOPTED

It was moved and seconded that the appropriate number of Mr. Scace's book be printed to supply the profession in Ontario but not in the rest of Canada. This was not put.

It was moved and seconded that publication be to the profession at large in Canada. This was *carried.*

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Friday, the 11th day of May, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Cooper, Cory, Ferrier, FitzGerald, Griffiths, Killeen, A. W. Maloney, Morden, Trepanier and Wallace.

DIRECTOR'S REPORT

(a) The Director submitted a report pursuant to Section 96 of the Regulation for the year ended March 31st, 1973.

(b) The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of March, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 12 months ended March 31st, 1973.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of April, 1973.

(b) The Legal Accounts Officer submitted a report for the month of April, 1973 with respect to reviews and appeals.

(c) Section 17(2), The Legal Aid Act.

(Charge on Sum recovered)

Section 17 (2) of the Legal Aid Act reads:

> "17. (2) Where a person who has been given legal aid in any matter recovers any sum in respect of such matter under a judgment, order, settlement or otherwise, the costs payable under this Act and the regulations are a charge against the sum so recovered and shall be deducted therefrom and paid into the Fund."

A solicitor received monies from a legal aid client under a fire insurance policy on her home. The solicitor contended that this was not a judgment, order or settlement within the meaning of Section 17 (2) of the Act.

The Legal Accounts Officer requested the advice of the Committee on whether the above-noted section of the Act would apply.

After a full discussion the Committee requested the Legal Accounts Officer to write the solicitor pointing out that Section 17 (2) did apply and to also inform him of his responsibilities under Section 128 of the Regulation which sets out the requirements to preserve the legal aid fund's interests when the money or other property under a judgment, order or settlement has been recovered.

Your Committee further recommended that a notice be placed in the Ontario Reports reminding the profession of their obligations under the Act and Regulation.

PSYCHIATRIC HOSPITAL PATIENTS' WELFARE ASSOCIATION

In correspondence dated October 4, 1972, the Legal Aid Committee was requested by E. K. Pukacz, General Manager, the Ministry of the Attorney General, to comment on a brief to the Ministry of the Attorney General from the Psychiatric Hospital Patients' Welfare Association.

The brief in question suggested that duty counsel be deployed in Ontario psychiatric institutions to acquaint citizens detained therein against their will with their legal rights under the Mental Health Act. The Association noted that persons involuntarily committed to a mental institution are in a position analogous to a person charged and detained in criminal matters.

The Committee was specifically requested to ascertain the extent of the commitment which would be required by Legal Aid to accommodate the Association's request before any decision on the matter is taken by the Government. The Committee was also asked to explore alternative means of providing this service, including the potential use of students.

Your Committee appointed a sub-committee to consider the matter and report back, the sub-committee to consist of the following:

G. E. Wallace, Q.C., Chairman
R. W. Cass, Q.C.
Austin Cooper, Q.C.
Isadore Levinter, Q.C.
John Morden, Q.C.
Peter Cory, Q.C.

Your Committee reviewed a report dated April, 1973 submitted by Mr. Wallace. It was moved that the recommendations set forth in the report be implemented for a trial period of one year.

The Director and L. S. Fairbairn, Assistant Provincial Director, were instructed to forward a directive to the appropriate Area Directors in the areas where psychiatric institutions are located setting forth the report's recommendations and requesting the Area Directors to report back at the expiration of one year. The results of the pilot project will be reviewed by the said sub-committee at that time.

It was further agreed that a letter be forwarded to the Attorney General enclosing the report and advising him that it is the intention of the Legal Aid Committee to proceed with the implementation of the report unless otherwise instructed.

RE: CONTESTED DIVORCE ACTIONS — REVOCATION OF BLOCK FEE — SUGGESTED PROCEDURE FOR REVIEWING MERITS AFTER DISCOVERY

At its April 27th meeting, Convocation amended Schedule 3 of the Regulation, Fees in Civic Matters, revoking the block fee on contested divorce actions. Convocation was of the view that contested divorce, custody and alimony actions should be included in the general tariff heading of Supreme Court Actions.

There has been concern expressed by Judges that Legal Aid is financing contested divorce, alimony and custody actions of questionable merit that should not be brought to court. Lee Ferrier, Solicitor and a member of the Legal Aid Committee, is of the view that the Area Director should review contested divorce actions after discovery to assess whether or not a solicitor advising a private client on the facts obtained on discovery would advise proceeding to trial on some or all issues.

As a result of Mr. Ferrier's suggestion a meeting was held at the Provincial Director's office on April 2nd with the senior administrative staff. The following conclusions were reached:

That there is sufficient authority in the Legal Aid Act and Regulation to provide for such review by the Area Director. Section 16(7) of the Legal Aid Act authorizes the Area Director in issuing a certificate to impose such terms and conditions as he deems proper. The Area Director could, therefore, issue a legal aid certificate limited to the conclusion of discoveries at which time the certificate would be discharged. The applicant would be required to re-apply for a fresh certificate (requiring a new opinion) to proceed to trial.

In order to ensure fresh opinions (after discovery) of uniform quality, it is felt that the Area Director might require the solicitor to include in his opinion answers to a questionnaire supplied by the Area Director.

Your Committee considered a draft questionnaire prepared by Mr. Ferrier. After a lengthy discussion of the implications arising out of such a questionnaire, your Committee appointed a sub-committee to study the entire matter and report back; the sub-committee to consist of the following: Messrs. Ferrier, Wallace, Griffiths and Cory.

PART VII OF THE REGULATION —

Payment of Costs

(a) At the January, 1973 meeting the Committee recommended principles which might be taken into consideration when deciding payment of costs to unassisted persons from the Legal Aid Fund under Part VII of the Regulation.

Convocation at its January 19th, 1973 meeting passed the following motion: "That the principles designated be referred back to the Committee."

A sub-committee was appointed consisting of George E. Wallace, Q.C., Chairman, and Messrs. Cory and Morden. The sub-committee's terms of reference were to review and study the matter of principles which might apply to applications under Part VII of the Regulation, reviewing the Legal Aid Act and the English experience.

Your Committee considered a report submitted by G. E. Wallace, Q.C.

Your Committee approved the implementation of the following guidelines as set out in the report:

A. In the case of the legally aided applicant the following should be relevant —

   (1) ability to pay;
   (2) financial hardship;
   (3) conduct of applicant;
   (4) merits of the proceedings.

B. In the case of the non-legally aided applicant, the Committee recommends the same requirements as above but would require the condition precedent that such applicant establish that he or she has exhausted all other normal remedies without success or satisfy the Committee that such efforts would be hopeless.

(b) *Re: McFarland and Sauve*

At the January, 1973 meeting, George E. Wallace, Q.C., Vice-Chairman of the Legal Aid Committee, submitted the application of Henry M. Lang, Q.C., on behalf of his client, Basil M. McFarland (Tots & Teens, Sault Ste. Marie) for payment of the taxed costs of $791.25 awarded against a legally aided client, Edward Sauve.

Mr. Wallace advised the Committee that the solicitor, Henry M. Lang, Q.C., refused to give any information concerning his client's finances.

Your Committee reviewed a letter from Mr. Lang wherein he made further objections to revealing his client's finances.

Your Committee instructed the Director to advise Mr. Lang that the Committee would consider his request for payment from the Fund under Part VII of the Regulation at its April meeting. The Director was further instructed to advise Mr. Lang that at that meeting, the Committee would entertain any representation from the solicitor or his client, or both, in person or in writing.

Due to the heavy agenda at the April meeting, the matter was held over and considered by your Committee at its May meeting, at which time the Committee reviewed a brief submitted by the solicitor supporting his client's application.

After a thorough review your Committee recommended that the application of Henry M. Lang, Q.C., on behalf of his client, Basil M. McFarland (Tots & Teens Ltd., Sault Ste. Marie) for payment of the taxed costs of $791.25 awarded against a legally aided client, Edward Sauve, be *refused,* taking into consideration the criteria approved by the Committee at its May meeting.

The Committee further recommended that Mr. Lang be advised of the criteria.

DATA PROCESSING SYSTEM

Your Committee reviewed a memorandum from the Controller with respect to agreements with IBM Canada Limited which require the approval of the Law Society and the signatures of the Treasurer and the Secretary.

Your Committee recommends that these agreements be approved for signature by the officers of the Law Society.

APPOINTMENT OF NON-BENCHER MEMBER TO THE LEGAL AID COMMITTEE

The Legal Aid Committee recommends the appointment of *Clarence Raymond Harris,* Solicitor, Hamilton, as a nonbencher member of the Legal Aid Committee.

Mr. Harris received his LL.B. from Osgoode Hall Law School in 1971 and was called to the Bar on March 23rd, 1973.

The Chairman informed the Committee that Mr. Harris has been closely involved with the Victoria Park Pilot Project in Hamilton.

RESIGNATION OF AREA DIRECTOR

Halton County

The Director informed the Committee of the resignation of Warren L. Durham, Area Director, Halton County, effective July 2nd, 1973. Mr. Durham has been appointed a Provincial Court Judge.

ASSIGNMENT OF BOOK DEBTS, ETC.

The Ontario Legal Aid Plan has received the following notices with respect to solicitors acting under legal aid certificates:

(a) Notice of Garnishment from the Department of Internal Revenue;
(b) Copy of registered assignment of book debts;
(c) Notice of Writs of Fi. Fa. held by the Sheriff;
(d) Garnishment notices from Small Claims Court.

The total indebtedness exceeds $250,000.

The Committee's authority was requested to obtain a written opinion from counsel setting out the priorities in the above matters.

Your Committee authorized David J. Thomas, Q.C., Assistant Provincial Director, to obtain a written opinion from counsel setting out the priorities.

DUTY COUNSEL —

Stand-by Service, York County

In January, 1973, Convocation gave W. R. Donkin, Q.C., Area Director, York County, approval to establish a pilot project to make lawyers available around the clock for police station duty. Persons accused of serious crimes could phone a particular number between the hours of 5:00 p.m. and 8:00 a.m. for the purpose of obtaining advice from a solicitor, either directly by phone or by having the solicitor visit the accused at his place of confinement. The pilot project was approved for a period of two months; the duty counsel to be remunerated at a stand-by rate of one hour per day (i.e., $18.75 net); the duty counsel to be compensated over and above the stand-by rate for any services rendered. Proper records would be kept which would indicate the following:

i) the number of calls;
ii) the identity of the callers;
iii) the place of attendance.

An interim report was reviewed by Convocation at its April meeting.

The Legal Aid Committee now recommends that the said pilot project be continued for an indefinite period of time.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

W. Gibson Gray, Q.C., Chairman of the Sub-Committee Appointed to Review the Legal Aid Tariffs, has indicated that he wishes to resign as Chairman of that sub-committee.

George H. Lochead, Q.C., on the invitation of the Chairman, has agreed to act as Chairman of the Sub-Committee on Tariffs.

COMMUNITY LEGAL SERVICES

(a) *Use of Civil Duty Counsel*

The Committee reviewed correspondence from L. S. Fairbairn, Assistant Provincial Director, to P. S. FitzGerald, Q.C., concerning a series of complex issues respecting the use of civil duty counsel as legal advisors in various community settings. Five issues requiring clarification were isolated in the context of a specific request for civil duty counsel assistance on an Indian reservation. Mr. Fairbairn noted that requests for such assistance in various communities were proliferating.

The matter was reported to the Sub-Committee on Community Legal Services for further study.

(b) *Peterborough Pilot Project*

Mr. Fairbairn advised the Committee that the probable cost of necessary disbursements for the Peterborough Project (including survey, advertising and consulting services) approximated $40,000. The Committee recommended that a meeting with the Attorney General be arranged to discuss the project before liability for the major disbursements was incurred.

In view of the fact that the necessary surveying should commence shortly in order to meet the projected implementation date of October 1st, the Committee recommended that an expenditure not exceeding $8,000.00 be authorized for such purpose. The Committee was satisfied that this work was necessary, in any event, for the general purposes of securing appropriate advertising for the Plan.

(c) *Toronto Pilot Projects*

Mr. Fairbairn submitted a memorandum with recommendations for discontinuing two of the five advice clinics which he had previously noted as being relatively inactive. He suggested that the responsibility for administering the remaining clinics be transferred to the Area Director at York on conditions outlined in the memorandum.

Your Committee agreed with the recommendations.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the *Wellington County Area Committee*:

David H. Jack, Solicitor, Fergus
J. Cecil Wolfe, Solicitor, Fergus

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Fennell

Your Committee met on the 10th day of May, 1973, at 9:30 o'clock in the forenoon, the following members being present: Mr. S. E. Fennell (Acting Chairman), Mr. F. J. L. Evans (Vice-Chairman) and Messrs. Carthy, Cartwright, FitzGerald, Grange, Griffiths, Krever, Lochead, Morden, Pepper, Seagram, Thom and Wallace.

RULING 10 — SIGNS AND LETTERHEADS

A lawyer has written to your Committee advising that he proposes to install in his office a stained glass window. He has asked whether or not he may employ the Society's coat of arms in this design.

Your Committee has instructed the Secretary to inform the lawyer that in their opinion, it is wrong to use the Society's coat of arms for the purpose of public identification.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 10th day of May, 1973, the following members being present: Messrs. Steele (Chairman), Grange, Seagram and Wallace, and Miss A. R. McCormick.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to April 30, 1973 were approved.

GIFTS AND DONATIONS

The following donations have been received:

The Honourable Mr. Justice J. L. Wilson, Supreme Court of Ontario, Toronto, Ontario. Part II (Criminal) 1967 Cyprus Law Reports; Nos. 1-12 1972 Supreme Court of Cyprus Judgments.

York County Law Association. 40 volumes of Canadian Bar Association Proceedings of the Annual Meeting. *Noted*

SPACE — GREAT LIBRARY

Until recently your Committee had understood that the Great Library would be acquiring the two rooms on the main floor at the front of Osgoode Hall, formerly the offices of

Mr. Beddis. Your Committee is now advised that these rooms may not be available to the Great Library and in this event your Committee requests that the three rooms in the attic above the Benchers' quarters definitely remain as part of the Library premises. These rooms are presently being used by the Library for book storage.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1972. The amount of the grant which they should receive under the Rules in 1973 and that which they received in 1972 are as follows:

			1972		*1973*
Carleton			$2,000.00		$2,000.00
Frontenac			2,000.00		2,000.00
Halton			2,000.00		2,000.00
Kenora			750.00		835.00
Lanark			1,040.00		1,040.00
Peel	Total grant	$2,000.00		$2,000.00	
	Less loan	600.00	1,400.00	600.00	1,400.00
Waterloo			2,000.00		2,000.00

Approved

REPORTING

MICROFILMING OF REPORTS

In April, 1973, Convocation adopted your Committee's recommendation that negotiations with Butterworth & Co. (Canada) Limited for the microfilming of Law Reports be terminated. Your Committee is now proceeding to obtain new proposals for the microfilming of the Reports.

Your Committee met with Mr. Claude Tellier, who is a Montreal lawyer and Chairman of the Committee in Quebec responsible for the microfilming of Quebec Law Reports. Mr. Tellier is interested in knowing that the Ontario project is co-ordinated with the Quebec project so as to ensure that the filmed Reports can be exchanged between the two jurisdictions, and your Committee will be conscious of this factor in considering proposals.

ONTARIO REPORTS: REPRINTS FROM 1931 ONWARDS

In May, 1972, Convocation adopted your Committee's recommendation to permit Canada Law Book Limited to reprint Volumes 1 to 66 of the Ontario Law Reports and the Ontario Reports from 1931 onwards on the condition that Canada Law Book pays to the Society a royalty on the gross revenues received by it on the sale of any volumes or sets of the reprinted editions. Canada Law Book was to begin with the Ontario Law Reports and reprint about two volumes per month and to advise the Society within one year if it was their intention to proceed with the reprints of the Ontario Reports. They expect to begin shortly and complete the Ontario Reports at the end of 1974 which is the same time as they expect to complete the reprint of the Ontario Law Reports.

Publication of Rules Respecting Criminal Proceedings

Your Committee had before it a letter dated 8th May, 1973, addressed to the Secretary of the Society from the Honourable Mr. Justice Arnup, enclosing Rules Respecting Criminal Proceedings passed pursuant to the provisions of the Criminal Code of Canada on the 7th day of May, 1973 by the Judges of the Supreme Court of Ontario and to become effective on the 1st September, 1973. Your Committee recommends that these Rules be published in an early edition of the Ontario Reports.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on the 10th day of May, 1973, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass, Morden, Pepper and Steele.

J. Shirley Denison Bequest Fund — Terms of the Trust

More than 21 years have elapsed since Mr. Denison's death and the Society has not been able to distribute fully the income from the capital fund.

In the opinion of counsel it is doubtful whether grants can properly be made within the terms of the trust to needy students in the Bar Admission Course. He suggests that the question be referred to the Courts.

Your Committee recommends that the Chairman be authorized to apply to the Court for direction and advice on the disposition of the income in view of the period it has been accumulated.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON OSGOODE HALL FENCE

—Mr. Steele

Your Committee met on Friday, the 11th day of May, 1973, at 10:00 a.m., the following members being present: Messrs. O'Brien (Chairman), Levinter and Robins.

At the request of the Committee, Mr. Gray was also in attendance.

By letter dated the 23rd of March, 1971, the Society advised the City that if there is no alternative to widening Queen Street on the north side then, subject to the approval of the Provincial Government, the Society would consider leasing to the City at a nominal rental a strip of land across the Queen Street frontage sixteen feet in width on condition that the City would bear the whole cost of moving and reconstructing all of the existing fence and gates, maintain the existing trees or their replacements on the sixteen-foot strip of land to be leased and that the relocating and rebuilding of the fences and gates would be proceeded with in a good and workmanlike manner without undue delay and with as little disturbance to the grounds as possible.

No action was taken on this offer and in February, 1972, the Society wrote to the City pointing out the urgent need of repairs to the fence and asking for some finality. A reply to that letter indicated only that steps would be taken by the City.

On the 9th of February, 1973, the Treasurer wrote to Mayor Crombie reviewing the history of the negotiations respecting the fence which have continued for nearly ten years and stating that the Society would consider its proposal withdrawn on the 15th of March, 1973, and would feel free then to proceed with repairs to the fence on its present location unless the City had taken some affirmative action by that date.

Mr. Reid Scott telephoned the Treasurer on the 15th of March asking for an extension of time of one month which the Treasurer agreed to on behalf of the Society. Mr. Scott wrote to the Treasurer on the 3rd of May, 1973, enclosing a copy of a report he is submitting to the City of Toronto Executive Committee proposing that Queen Street be widened on the terms set out in the Society's letter of the 23rd of March, 1971. He asked for the Society's comments on the proposal so that they might be conveyed to the Executive Committee.

Your Committee recommends that the City be advised that the Society is still not convinced that the widening of Queen Street for one block is desirable or necessary but that if the City nonetheless decides that it must be widened, the Society will hold open the offer contained in its letter of the 23rd of March, 1971, until the 24th of August, 1973, but not longer.

Your Committee further recommends that the Treasurer be authorized to write to the City accordingly leaving to his discretion the form of the letter.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 4:20 P.M.

Read in Convocation and confirmed this 15th day of June, 1973.

"Sydney L. Robins"
Treasurer.

MINUTES OF CONVOCATION

Friday, 15th June, 1973
10:00 a.m

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Chappell, Cooper, Cory, Evans, Fennell, Finlayson, Grange, H. E. Harris, W. E. Harris, Howland, Krever, Lochead, Maloney, Morden, MacKinnon, Pattillo, Pepper, Seagram, Sheard, Shepherd, Slemin, Sopha, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston and Zahoruk.

Mr. Patrick O'Keeffe and Mr. William E. Ward, lay members of the Law Society Council, were present at the Treasurer's invitation.

ELECTION OF BENCHERS

Mr. Ralph D. Steele, Q.C., of Chatham has become an *ex officio* bencher pursuant to Section 12(1), paragraph 8, of The Law Society Act, 1970, thus creating a vacancy in Convocation to be filled pursuant to Section 22(2) of the Act.

It was moved by Mr. Fennell, seconded by Mr. Pattillo, that Mr. Albert E. Shepherd, Q.C., of London be elected a bencher to fill the vacancy in Convocation.

Carried

The Minutes of Convocation of 18th May, 1973, were read and confirmed.

HIS ROYAL HIGHNESS THE PRINCE OF WALES

Convocation authorized the Treasurer to invite His Royal Highness The Prince of Wales to be Called to the Bar of Ontario and made an Honorary Bencher of the Society during his proposed visit to Canada in June of 1975.

APPOINTMENT OF AUDITORS

It was moved by Mr. Strauss, seconded by Mr. Trepanier, that Messrs. Clarkson, Gordon & Company be appointed Auditors of the Society for the Period of one year from 1st July, 1973, at an annual fee of $3,000.

Carried

CANADIAN BAR ASSOCIATION

It was moved by Mr. H. E. Harris, seconded by Mr. Cory, that the Treasurer and Mr. R. W. Cass be appointed the Society's representatives on the Council of the Canadian Bar Association to take office at the end of the Annual Meeting of the Association in 1973.

Carried

FEDERATION OF LAW SOCIETIES OF CANADA

It was moved by Mr. Finlayson, seconded by Mr. Evans, that the Treasurer and the Secretary be the Society's representatives on the Executive of the Federation of Law Societies of Canada.

Carried

YORK UNIVERSITY

It was moved by Mr. Cass, seconded by Mr. Sopha, that Mr. Stuart Thom be appointed to represent the Society on the Senate of York University for a further three-year term of office commencing 1st July, 1973.

Carried

APPOINTMENT OF STANDING COMMITTEES —

Mr. Fennell

A meeting of the Treasurer and Chairman and Vice-Chairmen of the Standing Committees as presently constituted was held on Thursday, the 7th day of June, 1973, at 4:00 p.m., the following being present: The Treasurer (Chairman) and Messrs. Carley, Cass, Fennell, Finlayson, Grange, H. E. Harris, Henderson, Lochead, Maloney, MacKinnon, Pattillo, Steele, Strauss, Thom and Wallace. They recommend that the constitution of the Standing Committees for the ensuing year be as follows:

1. FINANCE: Messrs. Beament, Cartwright, Fennell, Goodman, Gray, Harris, H. E., Harris, W. E., Henderson, Howland, Levinter, MacKinnon, Pallett, Pattillo, Pepper, Sheard, Sopha, Steele, Thom, Trepanier, Wilson, R. F., Zahoruk.

2. LEGAL EDUCATION: Messrs. Borins, Bowlby, Carley, Carthy, Cass, Cory, Finlayson, Goodman, Grange, Gray, Griffiths, Henderson, Howland, Krever, Maloney, Morden, MacKinnon, Pattillo, Sheard, Slemin, Sopha, Thom, White, Williston, Wilson, R. F.

3. ADMISSION: Messrs. Beament, Borins, Cartwright, Cass, Cooper, Finlayson, Grange, Lochead, MacKinnon, Pattillo, Pepper, Seagram, Sheard, Slemin, Sopha, Thom, Williston.

4. DISCIPLINE: Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cartwright, Cass, Chappell, Common, Cooper, Cory, Evans, Finlayson, Goodman, Grange, Gray, Griffiths, Harris, H. E., Harris, W. E., Henderson, Krever, Levinter, Lochead, Maloney, Morden, MacKinnon, McCulloch, O'Brien, Pallett, Pattillo, Pepper, Seagram, Seymour, Slemin, Steele, Strauss, Thom, Trepanier, Wallace, White, Williston, Wilson, P. D.

5. PROFESSIONAL CONDUCT: Messrs. Bowlby, Carthy, Cartwright, Cory, Evans, Fennell, FitzGerald, Goodman, Grange, Griffiths, Krever, Lochead, Maloney, Morden, MacKinnon, O'Brien, Pallett, Pepper, Raney, Robinette, Seagram, Sedgwick, Slemin, Strauss, Thom, Wallace.

6. LIBRARIES AND REPORTING: Messrs. Borins, Carley, Clement, Grange, Harris, H. E., Maloney, Seagram, Steele, Wallace, Zahoruk.

7. UNAUTHORIZED PRACTICE: Messrs. Bowlby, Cass, Chappell, Cooper, Fennell, FitzGerald, Henderson, Pallett, Sopha, Steele, Strauss, Trepanier, White, Williston, Zahoruk.

8. PUBLIC RELATIONS: Messrs. Bowlby, Carley, Chappell, Harris, H. E., Harris, W. E., Henderson, Krever, Lochead, Morden, Pattillo, Wallace, White.

9. LEGAL AID: Messrs. Bowlby, Carley, Carthy, Cass, Common, Cooper, Cory, Finlayson, FitzGerald, Grange, Griffiths, Henderson, Levinter, Lochead, Maloney, Morden, MacKinnon, Trepanier, Wallace.

Non-Bencher Members: Messrs. Barnes, R.E., Ferrier, L.K., Harris, C.R., Killeen, G. P., Maloney, A. W.

10. LEGISLATION AND RULES: Messrs. Beament, Chappell, Common, Cory, FitzGerald, Goodman, Harris, W. E., Henderson, Krever, O'Brien, Pattillo, Sheard, Wilson, R. F., Zahoruk.

THE REPORT WAS ADOPTED

Convocation then adjourned to allow the Standing Committees to meet for the election of Chairmen and Vice-Chairmen.

ELECTION OF CHAIRMEN AND VICE-CHAIRMEN

Convocation having resumed, the Reports of the Standing Committees reporting the election of Chairman and Vice-Chairmen were adopted as follows:

FINANCE: Chairman, W. G. Gray; Vice-Chairman, G. E. Beament.

LEGAL EDUCATION: Chairman, B. J. MacKinnon; Vice-Chairman, S. G. M. Grange.

ADMISSIONS: Chairman, R. W. Cass; Vice-Chairman, G. D. Finlayson.

DISCIPLINE: Chairman, Stuart Thom; Vice-Chairmen, G. E. Beament; G. H. Lochead.

PROFESSIONAL CONDUCT: Chairman, A. E. M. Maloney; Vice-Chairman, F. J. L. Evans.

LIBRARIES AND REPORTING: Chairman, H. E. Harris; Vice-Chairman, C. J. Seagram.

UNAUTHORIZED PRACTICE: Chairman, Nathan Strauss; Vice-Chairman, S. E. Fennell.

PUBLIC RELATIONS: Chairman, G. F. Henderson; Vice-Chairman, R. H. Carley.

LEGAL AID: Chairman, J. D. Bowlby; Vice-Chairman, P. S. FitzGerald; G. E. Wallace.

LEGISLATION AND RULES: Chairman, A. S. Pattillo; Vice-Chairman, P. deC. Cory.

APPOINTMENTS TO STANDING COMMITTEES

It was moved by Mr. Pattillo, seconded by Mr. W. E. Harris, that Mr. J. W. Morden be appointed to the Legislation and Rules Committee.

Carried

It was moved by Mr. H. E. Harris, seconded by Mr. Thom, that Mr. A. E. Shepherd be appointed to the following Standing Committees: Finance; Legal Education; Admissions; Discipline.

Carried

APPOINTMENTS TO SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW

The Treasurer appointed Mr. J. W. Morden to the Special Committee on Specialization in the Practice of Law and named Mr. E. A. Goodman as Chairman and Mr. Morden as Vice-Chairman of the Committee.

LEGAL EDUCATION COMMITTEE — Mr. MacKinnon

Your Committtee met on Thursday, the 7th of June, 1973, at 1:45 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Carthy, Cass, Cory, Finlayson, Griffiths, Henderson, Howland, Krever, Morden, Sheard, Thom, and White.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Tour of Education Wing: Your Committee responded favourably to the invitation put forward by the Vice-Chairman at the last meeting to tour our offices and the print shop; and to see some of the audio-visual facilities in operation. It was suggested that time be allowed at the June meeting for this visit. The staff of the Bar Admission Course and the Department of Continuing Education would be pleased to receive your Committee at any time your agenda permits.

Legal Education Sub-Committee on Policy: Convocation at its May meeting referred to your Committee questions relating to the testing and evaluating of students in the Bar Admission Course. These questions are part of a larger series which it is respectfully suggested might be considered by a Sub-Committee on policy which would make recommendations and report from time to time to your Committee. The questions mentioned could be the Sub-Committee's first priority. A further matter which might be considered by this Committee and given priority relates to the articling requirement. The Sub-Committee could, if so instructed, assess how the system is operating and provide this information to your Committee and Convocation in time for the debate now adjourned to October. Other questions have arisen recently in your Committee and in our office which involve matters of policy and which could be considered by this Sub-Committtee over the next several months. It should also be noted that the term of the Director expires in two years and the suggested Sub-Committee would be the natural Search Committee to recommend a successor. The following list summarizes the matters which are seen as appropriate for study by the Sub-Committee with a view to making recommendations to your Committee:

For Report by October, 1973:

1. The testing and evaluating of students in the Bar Admission Course, including the form of written examinations, alternatives to written examinations, grading criteria, procedure of the Board of Review, appeals from the Board of Review, and hearings in Convocation;
2. The staffing required to design and administer the testing and evaluation procedures;
3. The feasibility of continuing articling in its present or a modified form;
4. If articling is abolished, the consequent curriculum changes required in the Bar Admission Course.

For Report by a date to be Fixed:

5. Future development of the Bar Admission Course with reference to the stages of development described in the outline prepared for the Special Committee on Legal Education (Report of Special Committee on Legal Education, 1972, page 55);
6. The use of videotape as a teaching aid;
7. Future development of Continuing Education Programmes including the development of Refresher Courses giving comprehensive coverage of fields of practice;
8. Future development of publications including the extent of distribution of hard cover books, audio-cassettes and video-cassettes;

9. Development of courses leading to qualification as a Specialist;
10. Consequent changes in administrative structure and staffing requirements flowing from any recommendation involving expanded operations;
11. Cost estimates of, and methods of financing any expanded operation; and
12. The next Director.

These questions have been discussed in our office, and in some cases we are prepared to make proposals which, we submit, should be considered by the Sub-Committee, if it is brought into existence. We would hope that there would be frequent consultation so that these proposals, together with their administrative implications, can be fully explained.

It is respectfully recommended that a Sub-Committee on Legal Education be established to consider and make recommendations on the above matters and that the Sub-Committee be instructed to report to the October meeting of your Committee on the matters described in the first four paragraphs of the above list.

Your Committee recommends that items 1 - 6 (inclusive) be dealt with by Sub-Committee "Alpha", and items 7 - 12 (inclusive) be dealt with by Sub-Committee "Beta", and that the Sub-Committees be composed as follows:

Alpha: Mr. S. G. M. Grange as Chairman and Messrs. Cory, Krever, Thom and J. C. MacDonald.

Beta: Mr. J. W. Morden as Chairman and Messrs. Borins, Griffiths, White and J. C. MacDonald.

Co-ordinator of Continuing Legal Education for the Federation of Law Societies of Canada: You forwarded for circulation a copy of a letter dated 10th May from Mr. Howland to the Treasurer with reference to the appointment of the Director to fill this office. The appointment is fully described in the letter and is to be made subject to the approval of the Law Society. The recommendation of the Committee is sought with respect to the granting of approval.

Approved

SPECIAL PETITIONS

Four petitioners sought permission to defer for one year entering the Bar Admission Course. Two wished to attend LL.M. programmes and one wished to complete a number of research projects in which he was engaged for the Law Reform Commission of Canada.

One petitioner whose articling had been interrupted because of a serious personal situation sought permission to vary the period of articling and to enter the Bar Admission Course in September 1973.

Your Committee *approved* all five petitions.

THE REPORT WAS ADOPTED

Mr. MacKinnon presented the Report of the Legal Education Committee for its meeting of 13th June, 1973:

Your Committee met on Wednesday, the 13th June, 1973 at 2:30 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Morden, Patttillo, Sheard and Thom.

PETITIONS

Your Committee had three petitions before it.

One petitioner had failed to obtain pass standing in the Thirteenth and Fourteenth Bar Admission Courses. He petitioned to be granted pass standing in the Fourteenth Bar Admission Course and to be called to the Bar. He was unable to attend before the Committee on 9th May due to illness and consideration of his petition was adjourned *sine die.*

The petitioner and his counsel attended before your Committee on 13th June. Counsel made submissions on behalf of the petitioner and a solicitor practising in Toronto gave evidence on the petitioner's behalf.

Your Committee considered carefully the evidence before it and counsel's submissions and recommends that the petition be *refused.*

The second petitioner had failed the Thirteenth and Fourteenth Bar Admission Courses. He was found guilty of conduct unbecoming a student member of the Society and reprimanded in Convocation. He petitions to be permitted to attend the teaching portion of the Bar Admission Course for the third time. The petitioner and his counsel attended before your Committee.

In making submissions, counsel asked the Committee to recommend that the petitioner be given pass standing in the Bar Admission Course having already been reprimanded for his improper conduct; or, alternatively, that he be permitted to rewrite the examination in Creditors' Rights and Bankruptcy; or, in the further alternative, that he be allowed to sit the teaching portion of the Bar Admission Course a third time.

Your Committee gave careful consideration to the material before it and to the submissions made by counsel. Your Committee was not satisfied that the petitioner would have failed the examination in Creditors' Rights and Bankruptcy, and in view of the fact that the disciplinary aspect of the matter had been dealt with by Convocation, the majority of the Committee recommends that the petitioner be allowed to sit the teaching portion of the Bar Admission Course for a third time, beginning in September 1973.

The third petitioner sought permission to defer entering the teaching portion of the Bar Admission Course for one year. He wished to accept a scholarship to attend an LL.M. programme. Your Committee *approves* this petition.

It was moved and seconded that the Report be adopted.

It was further moved and seconded that the second petition be denied.

The second petitioner attended before Convocation with his counsel, who made submissions. Both retired.

The second motion was *lost*. The first motion was *carried.*

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 7th day of June, 1973, at 12:45 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Cooper, Grange, Lochead, MacKinnon, Pepper, Seagram, Sheard and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

The following candidates, having successfully completed the Fourteenth Bar Admission Course, filed the necessary documents and paid the required fee of $210, apply for Call to the Bar and to be granted a Certificate of Fitness:

Allen Benson Lorriman
Terence John Mayhew
Donald Fern Sayles
Laverne Joseph Urban

Approved

Transfer from another Province

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416, applies for Call to the Bar and to be granted a Certificate of Fitness:

Gwen Kathleen Randall, Saskatchewan.

Approved

Special

The following candidate, having filed the necessary papers, complied with the requirements of the Admissions Committee in his particular case and paid the required fee of $200, is entitled to be called to the Bar and to be granted a Certifciate of Fitness:

Frederick Bernard Sussman — Special, Faculty of Law, University of Ottawa.

Approved

DIRECT TRANSFER FROM ANOTHER PROVINCE

Your Committee considered an application from a solicitor from Prince Edward Island for permission to proceed under Regulations 3(1) and 4(1). The application was approved.

DIRECT TRANSFER FROM QUEBEC

Four applications from members of the Quebec Bar were before your Committee. One applicant who had already received approval to proceed under Regulation 4(2) sought permission to proceed under the former Regulation and enter the Bar Admission Course in September 1973. Another applicant asked approval to proceed under Regulation 4(2) but to delay writing the required examinations for three to six months. Your Committee approved the two applications.

The third applicant sought permission to proceed under Regulations 3(1) and 4(2) and to defer writing the comprehensive examinations for specified periods. Your Committee recommended that he be permitted to proceed under Regulation 4(2).

The fourth applicant had previously applied to your Committee for permission to proceed under Regulation 4(2) and to have the period during which he was engaged in practice accepted as fulfilling the articling requirements. He had been advised that he had approval to proceed under Regulation 4(2). He has resubmitted his application and supplied additional information. Your Committee recommended that he be permitted to enter the teaching portion of the Bar Admission Course in September 1973.

UNITED KINGDOM SOLICITOR

Your Committee had before it correspondence from a Scottish solicitor who had received approval in 1971 to proceed under the Regulation then in force relating to United Kingdom transfers. He was unable to proceed because of illness but is now ready to do so. Because of the interval of time since his application was approved, your Committee instructed that further information be obtained.

COMMONWEALTH TRANSFER

Three applications were before your Committee for consideration. The applicants were from Tanzania, Guyana and India. One applicant had previously been advised that he did not qualify under the Society's Regulations and that his educational attainments did not equal graduation from an approved Canadian law school. This applicant appeared before the Committee to make further submissions. Your Committee recommended that he be advised that he does not qualify under the Society's Regulations. The second applicant sought to proceed under Regulation 5(1) and your Committee recommended that he be required to establish that he satisfies the requirements of Regulation 5(1) (a) (i) and 5(1) (a) (iii). The third applicant had previously written and failed the comprehensive examination. He had applied for and been granted permission to write the examination a second time but did not proceed. He reapplied in January 1973 and subsequently advised your Committee that his delay in proceeding had been caused by lack of funds and immigration problems. Your Committee recommended that he be permitted to write the comprehensive examination in New York.

SPECIAL PETITIONS

Your Committee considered two petitions relating to the articling period of the Bar Admission Course. One petitioner asked that her period of employment with a Judge of the Supreme Court of Canada for a twelve-month period beginning in September 1973 be accepted as satisfying the articling requirements of the Bar Admission Course. The petition was approved. The other petitioner had previously asked that his period of employment be accepted as satisfying the articling requirements of the Bar Admision Course and that he be permitted to enter the teaching portion of the Bar Admission Course. His petition was refused. The petitioner asked that the Committee give further consideration to the matter. He attended before the Committee to present additional material and make oral submissions. Your Committee recommended that the decision previously made not be changed.

COMMONWEALTH EXAMINATIONS

One candidate was approved by the Committee to proceed under former Regulation 7. The candidate, *Arichandra Motilal Coomaraswamy,* sat the examination at Osgoode Hall and passed.

SUB-COMMITTEE OF "SERVICE UNDER ARTICLES"

At its June meeting the Committee was asked to consider whether students should in any circumstances be allowed to serve part or all of their articles as clerks to Judges of the Supreme Court of Canada. It was recommended that the matter be referred to a Sub-Committee composed of Mr. R. I. Cartwright as Chairman and Mr. S. Borins, with power to add one more member.

Your Committee had before it for consideration the following Report of the Sub-Committee:

"REPORT OF THE SUB-COMMITTEE ON "SERVICE UNDER ARTICLES" TO THE MEMBERS OF THE ADMISSIONS COMMITTEE

Your Sub-Committee composed of Messrs. Cartwright and Borins was appointed by this Committee on June 8, 1972, to consider the question of whether students should in any circumstances be allowed to serve part or all of their articles as clerks to judges in the Supreme Court of Canada.

Although the final determination of the question of article training may not be determined until October of this year by Convocation, your Sub-Committee felt it should report to the Admissions Committee now.

We have received the replies to our enquiries from the Chief Justices of Manitoba and British Columbia and three Puisne Justices of the Supreme Court of Canada (Judson, Spence & Laskin, JJ.).

We have reviewed the present responsibilities of law clerks in the Supreme Court of Canada and are satisfied that these legal secretaries, as they are called by members of that Court, through their exacting responsibilities and their duties and their contact with many members of our profession receive exposure in training which from an overall position is as equally meaningful as the training received by their colleagues in law offices in Ontario. We are aware that the Supreme Court of Canada Legal Secretary Programme precludes exposure to many areas of practical training such as real estate and estates and also precludes any experience in coming into contact with the public whom we serve, but on the other hand for those student members so academically qualified for law clerk positions in the Supreme Court of Canada we are not concerned over any loss of practical experience which they will themselves gain very quickly in the event that they go into active practice upon being called to the Bar.

In conclusion we recommend that the position of law clerk to either the Chief Justice of Canada or to any Puisne Judge of the Supreme Court of Canada be accepted as the equivalent of a similar period of service under articles of clerkship pursuant to section 26(4)(a) of the regulations made under the Law Society Act."

Approved

. . . . .

Consideration was given by Convocation to the item headed "CALL TO THE BAR AND CERTIFICATE OF FITNESS".

THIS PART OF THE REPORT WAS ADOPTED

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Allen Benson Lorriman
Terence John Mayhew
Donald Fern Sayles
Laverne Joseph Urban
Frederick Bernard Sussmann

One candidate did not present herself with the others. She attended at a later time and was permitted to appear before Convocation at that time. The following candidate was then presented to the Treasurer and Convocation, was called to the Bar and the degree of Barrister-at-law was conferred upon her by the Treasurer:

Gwen Kathleen Randall

FINANCE COMMITTEE—Mr. Sheard

Your Committee met on Thursday, the 7th day of June, 1973, at 3:00 p.m., the following members being present: Messrs. Sheard (Acting Chairman), Fennell, Henderson, Howland, MacKinnon, Pattillo, Steele, Thom and Trepanier.

Accounts

The Secretary reports that from 1st May 1973 to 31st May 1973 accounts (including Library Accounts), properly approved, to the amount of $656,470.83 have been paid.

Noted

Financial Statement, 1st September 1972 to 31st May 1973

The Secretary lays before the Committee a statement of receipts and disbursements for the period 1st September 1972 to 31st May 1973.

Approved

Rolls and Records

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Francis Gerard Carter, Q.C., London	Called — 29 June 1950 Appointed County Court Judge, County of Huron — 18 May 1973
Stanton Bardsley Hogg, Toronto	Called — 24 June 1954 Appointed County Court Judge, County of Ontario — 18 May 1973

The following members have died:

Deaths

John Douglas Wilson, Q.C., Fergus	Called — 17 June 1937 Deceased — 9 May 1973
John Harris McElderry, Q.C., Guelph (Life Member)	Called — 11 September 1919 Deceased — 20 May 1973
William Hugh Masson Wardrope, Q.C., Ottawa (Life Member)	Called — 21 April 1921 Deceased — 21 May 1973
William Albert MacRae, Ottawa	Called — 19 April 1923 Deceased — 25 May 1973

Willis Gordon Cunningham, Q.C., Kingston	Called — 19 September 1946 Deceased — 23 May 1973
William Montgomery McKague, Kamloops, B.C.	Called — 16 September 1954 Deceased — 7 August 1972
Stuart McGill Farwell, Q.C., Toronto	Called — 20 June 1935 Deceased — 3 June 1973

Readmission

The following former member of the Society, having complied with the requirements of the Admissions Committee, was readmitted and his membership in the Law Society has been restored:

Robert Anderson Downing, Ottawa	Convocation — 27 April 1973

Noted

Membership Restored

Richard Whittaker Reville, Q.C., Brantford, gave notice under Section 31 that he had retired as County Court Judge for the County of Brant and wished to be restored to the Rolls of the Law Society. Accordingly, his membership has been restored effective 29th May 1973.

Noted

Membership Under Rule 50

John Murray McPherson, Q.C., of Barrie, requests consideration of his application to continue his membership in the Society at a reduced annual fee. Mr. McPherson is fully retired from the practice of law or other employment, and over 65.

Carried

Remington White, of Beaverton, who is now in good standing, declares that during the year 1971-72 he was ill and did not engage in practice or any other employment. Since he was over 65 years of age then, he applies to be given a rebate of fees for that year and to be considered to have been covered by Rule 50 as a retired member during that year. This year, he is engaged in some practice.

Your Committee recommends that Mr. White's request be denied.

County Library Grants

The Chief Librarian presented a memorandum listing the Associations which have sent in their annual grants for 1972, and one Association which has sent in its return for 1971, thus necessitating a 10% penalty against its 1972 grant. The amounts set opposite their names are the amounts of the grants to which they appear to be entitled under the Rules, and which the Libraries and Reporting Committee will be asked to consider at its meeting on this date.

Approved, subject to the approval of the Libraries and Reporting Committee.

LIBRARY EXPANSION

Two rooms on the ground floor in the centre portion of the building, which were originally to be available for storage of books, are to be retained for the use of the Benchers. The books can be stored in basement rooms immediately below. The Society's architect was asked to obtain estimates of the cost of installing vinyl tile flooring over the cement floor in the basement rooms and adding lighting in one of them. The estimates were received and approval requested.

In the absence of the Chairman, the Secretary obtained the approval of the Vice-Chairman and the Committee is now asked to ratify the approval given by the Vice-Chairman.

Approved

BURSARIES — *Robert James McLaughlin Trust*

A cheque in the amount of $10,000 was received from the executors of the Estate of Hugh J. McLaughlin to be applied to the above-mentioned trust. In 1969, under Bill 242 — "An Act respecting Scholarships for Osgoode Hall Law School of York University", this trust was divided equally between the Bar Admission Course of the Law Society and Osgoode Hall Law School of York University. A cheque in the amount of $5,000 has been forwarded to Osgoode Hall Law School of York University.

Approved

SALES TAX

The Committee recommends that the Chairman of the Committee be authorized to appoint a Sub-Committee of this Committee to consider the organization of the Society in relation to the question of exemption from payment of sales tax on material purchased to be used for educational purposes.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

ANNUAL SUMMARY

During the year 1972 there were 1,110 matters dealt with by the Society.

The Discipline Committee held the equivalent of 79 half-day meetings, compared with 99 the year before. Thirteen of them were devoted entirely or in part to Compensation Fund matters. The Complaints that were still pending at the end of 1971 were disposed of as follows:

1 — Disbarment
1 — Suspension for 2 years
1 — Suspension for 3 months
2 — Reprimands in Convocation
5 — Reprimands in Committee
5 — Pending
15

During the year 1972 thirty-nine Complaints were served on members of the Society and these have been disposed of by the Committee as follows:

7 — Reprimands in Committee
2 — Not proceeded with
5 — Auditor's report filed after Complaint issued — Committee made no finding
2 — Withdrawn
2 — Not established
1 — Established, but penalty reserved
1 — Evidence before Committee, decision reserved
1 — Convocation adjourned matter *sine die*
2 — Decision to Convocation
23

In addition:

16 — Matters pending

Also:

6 — Invited to Attend before the Discipline Committee
1 — Readmission application
7

1,049 complaints were considered by the Assistant Secretaries, or a member of the Committee where necessary, and disposed of without reference to or investigation by the Discipline Committee. These complaints were categorized as set out below. It is to be noted that in some instances a complaint does fall into two or more of the categories.

Nature of Complaints

Solicitor's failure to fully explain transaction	387
Solicitor's delay with justification	90
Solicitor's delay without justification	170
Client's complaint about fees	106
Allegations that solicitors were negligent	59
Any other questions of law	186
Complaints of misrepresentation, i.e., failure of solicitor to folow instructions or solicitor deliberately deceiving client but which would not constitute negligence	46
Complainant not represented by solicitor complained about and needed to be advised of rights; complainant advised to ascertain rights	61
Solicitor's failure to meet financial obligations as envisaged by Ruling 32 of the Rules of Professional Conduct	45
Complaints involving lawyers who have passed away	4
Lending money to a client	1

Of the 1,049 complaints, 66 were made by lawyers against lawyers, and 84 were referred to Benchers for consideration.

. . . . .

Total Grants paid out of the Compensation Fund during 1972			$145,409.59
Counsel fees, reporters, transcripts, etc.			16,625.98
Paid out of General Discipline:			
Investigation by Auditors		$16,149.74	
Investigators		3,362.85	
Counsel: Manning, Bruce	$3,281.40		
Honeywell, Wotherspoon	3,572.60		
B. Clive Bynoe	156.25		
Charles C. Mark	150.00		
DuVernet, Carruthers	2,057.90		
D. R. H. Heather	3,090.39		
Cameron, Brewin	2,733.54	15,042.08	
Reporters		4,369.90	
Miscellaneous (witnesses, conduct money, photocopy, printing, advertising, etc.)		3,752.08	

Society's Auditor:			
Salaries (including Auditor's staff, administrative personnel and extra help)	$84,151.68		
Travelling expenses	4,470.51	88,622.10	$131,298.84
Less: Discipline Costs Recovered			9,439.19
			$121,859.65

THE ANNUAL SUMMARY WAS RECEIVED

COMPENSATION FUND SUMMARIES—Mr. Thom

COMPENSATION FUND

For the Period 1st September, 1972 to 30th April, 1973

	Month of April, 1973	*8 months ending 30th April, 1973*		
Balance on Hand, 31st Aug., 1972				$1,450,458.76
Receipts				
Fees	$ 1,530.00		$207,365.00	
Investment Income				
Gov. of Canada	15,625.00	$33,500.00		
Guar. Deposit Receipt Int.	7,944.81	32,196,54		
Bank Interest	506.10	508.40	66,204.94	
Recoveries				
H. Coleman		$ 218.00		
M. Godo		520.00		
N. Pivnick	3,913.01	9,838.06		
H. Shuttleworth		240.00	10,816.06	284,386.00
	$29,518.92			$1,734,844.76
Disbursements				
Counsel Fees, Reporters, etc.	2,329.38		$ 11,254.35	
Administration			5,000.00	
Annual Fee Refund			630.00	
Grant—J. H. Campbell		$ 535.08		
—G. Passi		3,253.92		
—Kennedy		368.68	4,157.68	21,042.03
	$ 27,189.54			
		TRUST BAL. - 30/4/73		$1,713.802.73

Résumé of Gross Claims outstanding

Claims received and not processed as of 31st March, 1973		$2,122,509.57
Received during month of April		89,443.41
		$2,211,952.98
Dismissed, withdrawn or written off during month of April	$16,203.85	

Settled by payment in whole or in part	—	16,203.85
**Claims received and not processed as of 30th April, 1973*		$2,195,749.13

*Blotti	—	$ 309,613.49
Caplan	—	1,051,276.12
Harris	—	519,749.90
		$1,880,639.51

Total paid to 30th April, 1973 on account of 825 claims of 85 former solicitors	$2,582,779.56

THE SUMMARY WAS RECEIVED

Compensation Fund

For the Period 1st September, 1972 to 31st May, 1973

	Month of May, 1973	*9 months ending 31st May, 1973*		
Balance on Hand, 31st Aug., 1972				$1,450,458.76
Receipts				
Fees	$ 120.00		$207,485.00	
Investment Income				
Gov. of Canada	—	$33,500.00		
Guar. Deposit Receipt Int.	3,833.73	36,030.27		
Bank Interest	—	508.40	70,038.67	
Recoveries				
H. Coleman		$ 218.00		
M. Godo		520.00		
N. Pivnick		9,838.06		
H. Shuttleworth		240.00	10,816.06	288,339.73
	$ 3,953.73			$1,738,798.49
Disbursements				
Counsel Fees, Reporters, etc.	28,050.00		$39,305.35	
Administration			5,000.00	
Annual Fee Refund			630.00	
Grant—J.H. Campbell		$ 535.08		
—G. Passi		3,253.92		
—Kennedy		368.68		
—Willis	3,000.00	3,000.00	7,157.68	52,092.03
	$27,096.27)			
			TRUST BAL. - 31/5/73	$1,686,706.46

Résumé of Gross Claims Outstanding

Claims received and not processed as of 30th April, 1973	$2,195,749.13
Received during month of May, 1973	53,991.83
	$2,249,740.96

Dismissed, withdrawn or written off during month of May	$ —	
Settled by payment in whole or in part	3,000.00	3,000.00
**Claims received and not processed as of 31st May, 1973*		$2,246,740.96

*Blotti —	$ 309,613.49
Caplan —	1,050,276.12
Harris —	519,849.90
	$1,880,639.51

Total paid to 31st May, 1973 on account of 826 claims of 85 former solicitors	$2,582,779.00

THE SUMMARY WAS RECEIVED

GENERAL REPORT—Mr. Thom

Your Committee met on the 7th day of June, 1973 at 10:00 o'clock in the forenoon, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Carthy, Carley, Cass, Common, Cory, Evans, Grange, Griffiths, H. E. Harris, Henderson, Krever, MacKinnon, Maloney, Morden, Pallett, Pepper, Seagram, Steele, Strauss, Trepanier and Wallace.

1. Disposition of Client Files

The Society is faced with an unsatisfactory situation in connection with the files of disbarred lawyers and lawyers who although still members have abandoned their practice leaving no one responsible for their files. In the interest of the clients of such persons and of good public relations, the Society has become the custodian of such files but without any clear indication of its responsibility. Your Committee discussed this matter and it was resolved that authority be sought, whether by amendment to the Act or the Regulations, that in circumstances where files pertaining to a discontinued law practice for which no one will assume responsibility come into the custody of the Society, the Society be empowered to destroy such files after a prescribed period of time and notice to such clients as can be identified and to the public by suitable advertising, and that the Legislation and Rules Committee be directed to prepare appropriate provisions to give effect to this policy.

2. Professional Negligence

Your Committee considered the question of whether professional negligence on the part of a member should give rise to a complaint against the member of professional misconduct and if so, under what circumstances. After discussion it was resolved that the Society should reaffirm the present understanding that in appropriate circumstances professional negligence should be regarded as grounds for a finding of professional misconduct on the part of a member and that the present procedure, whereby the Chairman or a Vice-Chairman reviews complaints against solicitors to determine those cases in which disciplinary proceedings be taken, be continued.

THE REPORT WAS ADOPTED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 6th day of June, 1973, the following members being present: George E. Wallace, Q.C., Vice-Chairman, in the Chair, and Messrs. Barnes, Carley, Cass, Cory, Ferrier, Griffiths, Harris, Lochead, MacKinnon, A. W. Maloney, Mordon and Trepanier.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of April, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the one month ended April 30th, 1973.

(b) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

(c) *Write-offs*

The Controller submitted recommendations, on behalf of the Director, with respect to writing-off client recoveries pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by George E. Wallace, Q.C., Vice-Chairman.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of May, 1973.

(b) The Legal Accounts Officer submitted a report for the month of May, 1973 with respect to reviews and appeals.

PUBLIC RELATIONS

The Committee considered correspondence from the Area Directors for the Counties of York and Essex, both of whom expressed the need to advertise the Plan more effectively and to undertake more effective public relations.

Your Committee was of the view that the collective views of the Area Directors should be obtained at the forthcoming meeting of the Area Directors on June 21st and 22nd next. Mr. Lawson was, accordingly, instructed to place the matter on the agenda for that meeting and to report back when the collective views of the Area Directors have been ascertained.

COMMUNITY LEGAL SERVICES

Re: Peterborough Pilot Project

L. S. Fairbairn, Assistant Provincial Director, submitted three matters for the Committee's approval:

1. *The financial criteria suggested for the Peterborough Project.*

The Committee recommends that the financial criteria as suggested in Mr. Fairbairn's memorandum be approved.

It was noted that the criteria for non-contributing applicants was struck with reference to the "poverty line" which has no official sanction, but which the Committee regarded as a satisfactory rationale for the purposes of this project.

The Committee was also advised by Mr. Fairbairn and by Mr. Dignam (Director, Legal Aid Assessment Branch) that the contributory range of income suggested in the criteria was somewhat higher than might be expected in a province-wide application of the programme. The reason for this potential discrepancy was to ensure a satisfactory range of experience to obtain data from which cost projections could be made on a provincial basis.

2. *The proposed terms of the retainer of R. T. Smylie as Public Relations Consultant to advise the Committee on all aspects of the surveying and advertising required for the programme.*

The Committee deferred the matter of Mr. Smylie's retainer to its July meeting. Several members expressed some doubt about the necessity for the degree of consulting services suggested in Mr. Smylie's correspondence to Mr. Fairbairn, a copy of which is before Convocation.

3. *A draft survey proposal prepared for the Committee by Contemporary Research Centre.*

The Committee also considered a survey prepared on Mr. Fairbairn's instructions by Contemporary Research Centre. Mr. Frank Lacy and Mr. Robert Day, President and Vice-President of Contemporary Research Centre, attended before the Committee to explain the proposal and to answer questions in relation thereto.

Mr. Fairbairn noted that two proposals in all had been obtained, each from different firms. He and Mr. FitzGerald, however, regarded the initial proposal as so markedly inferior to that submitted by Contemporary Research that it was not put before the Committee.

Your Committee recommended that Mr. Fairbairn be authorized to instruct Contemporary Research Centre to proceed with the first phase of its proposal at a cost not to exceed (in any event) $10,700.00. The Committee was advised that this figure had been negotiated downward by Mr. Smylie (on Mr. Fairbairn's instructions) to the $8,000.00 authorized by the Committee at its May meeting. In view of the residual doubt expressed concerning the impact of the revised fee on the accuracy of the results, the Committee recommends that the final cost be left in the discretion of the Sub-Committee on Community Legal Services, provided that it, in no event, will exceed $10,700.00.

ASSISTANT PROVINCIAL DIRECTOR, DIRECTOR OF APPEALS

Lucien A. Beaulieu, Solicitor

Your Committee noted that Lucien A. Beaulieu, Assistant Provincial Director and Director of Appeals, submitted his resignation on May 28th, 1973.

Mr. Beaulieu has been appointed a Provincial Judge, Family Division.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the Legal Aid Committee for the respective areas:

Simcoe County

R. Jacks, Q.C., Collingwood
P. G. M. Hermiston, Solicitor, Barrie

Welland County

Quentin Earl Lawson, Director, Hawthorne Lodge, Port Colborne

Resignations:

York County

F. Stewart Fisher

Norfolk County

Keith C. Bannister, Sheriff

Cochrane District

Samuel A. Caldbick, Q.C.
Lucio Lizzi, Assistant Crown Attorney
Harold W. Gauthier, Q.C.
Rev. Desmond J. O'Connor

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 7th day of June, 1973 at 9:15 o'clock in the forenoon, the following members being present: Mr. A. E. M. Maloney (Chairman), Mr. F. J. L. Evans (Vice-Chairman), and Messrs. Carthy, Cory, Fennell, Grange, Griffiths, Krever, Lochead, MacKinnon, Morden, Pallett, Pepper, Seagram, Strauss, Thom and Wallace.

1. SUB-COMMITTEE ON LEGAL AID AND RULING 3

Following is the report of the Sub-Committee. The recommendations contained therein have been adopted in their entirety by your Committee, with the exception of the recommendation concerning the fourth proposal of Messrs. Cameron, Brewin and Scott. This proposal was adopted subject to the enjoinder that the participation of the law students be first cleared with the University of Toronto Law School.

"REPORT OF SUB-COMMITTEE ON LEGAL AID AND RULING 3 TO THE MEMBERS OF THE PROFESSIONAL CONDUCT COMMITTEE

At its November, 1972 meeting, the Committee considered a letter from an East End lawyer, who had been asked by a community service unit in a low income area, to set up a legal aid service facility on a weekly basis. Your Sub-Committee, under the Chairmanship of Mr. P. S. FitzGerald and composed of Messrs. Cory and Grange, was set up at that time to consider the general question raised by this inquiry.

At its January meeting, the Committee had before it an interim report of this Sub-Committee. The interim report is set out below. In addition to the original inquiry, two other firms had sought guidance in this area. The matter was left with your Sub-Committee to look further into the inquiries and to report back. Following this a meeting was held with representatives of the three firms involved which resulted in written submissions being made by Messrs. Cameron, Brewin and Scott and by Regent Park Community Services Unit with respect to Messrs. Kay and Schachter. The third firm advised that they had been unable to obtain further instructions from the service group that they had been representing.

Your Sub-Committee, composed of Messrs. Cory and Grange, Mr. FitzGerald being unable to attend, met to consider the two submissions made, on June 4th last.

Messrs. Cameron, Brewin and Scott

With respect to the first specific proposal, your Sub-Committee has some doubt that Ruling 10, paragraph 4 of the Rules of Professional Conduct would prohibit the use of the name "Riverdale Law Office, carried on by Scott, Danson and Associates". In any event, if it does, we are of the opinion that it would be in order to use the designation:

"Scott, Danson and Associates
Riverdale Law Office"

In connection with the second specific proposal, your Sub-Committee is of the opinion that approval of the advertising in the form suggested cannot be given because it might lead to soliciting of paying legal clients. It is, therefore, recommended that the request be rejected but that it be left open to the firm to suggest alternate forms of communicating with the members of the community.

Your Sub-Committee can see no objection with respect to the third proposal.

In connection with the fourth proposal, your sub-Committee approves and wishes to encourage the use of law students provided that there is always adequate supervision and recommends that Messrs. Cameron, Brewin and Scott be so advised.

Messrs. Kay and Schachter (Regent Park Community Services Unit)

At present it is the Sub-Committee's view that there should not be advertising which would include the name of the law firm. It is recommended that advertising be permitted in a form to be approved by the Professional Conduct Committee if all lawyers practising in the area, bordered on the west by Sherbourne Street, on the east by the Don River and south of Bloor Street to the waterfront, were given an opportunity by the Regent Park Community Services Unit to participate.

. . . .

INTERIM REPORT FOR CONSIDERATION BY THE SUB-COMMITTEE ON PARTICIPATION IN COMMUNITY SERVICE ORGANIZATIONS

Your Sub-Committee was struck for the purpose of considering the problems raised by solicitors seeking to associate with a particular community service organization which would then advertise these services as "free" legal assistance and to consider the implications of such requests generally.

We assume that in all professional conduct decisions there is a dual object to be achieved, namely, the protection of the public and the preservation of professional integrity. Usually the interests of the two have coincided. Bearing this in mind we conceive among the goals to be achieved:

1. That the public should be informed as effectively as possible of any legal assistance available to it.
2. That it is desirable, where legal advice and assistance not provided under Ontario Legal Aid Plan are made available, the Law Society should encourage such activity and its advertisement.
3. That the public at the same time be protected from organizations purporting to be community service but actually used to promote partisan interest or to attract business to a particular lawyer or firm.
4. That the public be protected from lawyers purporting to serve them who are mainly concerned with attracting legal aid certificates.

If we agree in principle that it is acceptable to advertise the institution and not the lawyer, we believe the following rules are workable:

1. Any lawyer may provide a free service on a purely charitable basis when not done for the primary purpose of attracting paying business. The lawyer may not advertise the fact.
2. No lawyer shall participate in giving legal advice advertised by a Community Service Organization unless such participation is first approved by the Professional Conduct Committee.

3. As a matter of policy participation in such a venture shall not be approved until the Legal Aid Committee has certified that it is not prepared to staff the centre with Ontario Legal Aid Plan duty counsel on a regular basis.
4. Any lawyer serving as a "panel" lawyer for a Community Service Organization must be qualified as a civil duty counsel and listed on his area panel. When serving as such he shall be bound by the rules for civil duty counsel, including being disqualified to act for paying clients so contacted or taking certificates for such clients.
5. In appropriate cases panel solicitors may apply to form a limited panel and to be entitled to follow up certificate cases. The overriding consideration will be the public need demonstrated.

It must be emphasized that if lawyers legitimately wish to provide a service supplementary to Ontario Legal Aid Plan, they must be prepared to do so at legal aid rates or have their motives examined very closely. It is nevertheless desirable that nothing be done to impede the establishment of genuine private "poverty law" firms in areas of need.

Your Sub-Committee expects that whatever intermediate guidelines are established they will require revision in light of present experimental programs when the results are known.

FOOTNOTE: We recommend that the specific matters referred to us be dealt with as follows:

1. That Bernard L. Kay (Regent's Park) enquiry be referred to Ontario Legal Aid Plan and that if Ontario Legal Aid Plan is not prepared to staff a clinic with duty counsel that a "limited panel" proposal be entertained with opportunity for local area lawyers to serve if they desire.
2. That the Ian Scott (Greater Riverdale) application be treated in the same way.
3. That the John LeClaire inquiry (Richmond Hill) be treated in the same way.
4. That *all three* gentlemen be invited to meet the Sub-Committee to discuss these matters further."

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE

Convocation resumed its consideration of the remainder of the Report of the Admissions Committee.

THE REMAINDER OF THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—Mr. Steele

Your Committee met on Thursday, the 7th day of June, 1973, the following members being present: Messrs. Steele (Chairman), H. E. Harris (Vice-Chairman), Carley, Grange and Seagram, and Miss A. R. McCormick. Messrs. Fennell, Henderson and Morden also attended.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to May 31, 1973 were *approved.*

TOURS THROUGH THE GREAT LIBRARY

Your Committee is arranging tours of the Great Library so that members of the profession can familiarize themselves with the renovations and new facilities. Two tours have already been held and more tours are being arranged.

COUNTY LAW LIBRARIES

ANNUAL GRANTS

The Associations listed below have sent in their Annual Returns for the year 1972. The amounts of the grants which they should receive under the Rules in 1973 and those which they received in 1972 are as follows:

	1973	*1972*
Brant	$1,845.00	$1,915.00
Elgin	1,390.00	1,085.00
Hastings & Prince Edward	1,810.00	1,635.00
Lincoln	2,000.00	2,000.00
Lindsay	750.00	877.50
Muskoka	940.00	940.00
Ontario	2,000.000	2,000.00
Parry Sound	750.00	750.00
Prescott & Russell	750.00	750.00
Sudbury	2,000.00	2,000.00

Approved

The following Association has just now submitted Annual Returns for its 1972 grant:

			1972	*1971*
Lindsay		975.00		
	Less 10%	97.50	$877.50	$1,010.00

Approved

SPECIAL GRANTS AND LOANS

Your Committee wants to establish a policy respecting Law Society special grants and loans to County and District Law Associations. Before Convocation is a form of a letter which your Committee recommends be sent to each County and District Law Association for comment.

HAMILTON LAW ASSOCIATION

At your Committee's April meeting a Trustee of the Hamilton Law Association attended before your Committee to discuss the matter of obtaining funds with which to purchase books for the Association's library. This matter has been put over until a policy respecting grants and loans has been established.

REPORTING

DELAY IN PUBLICATION OF REASONS FOR JUDGMENT

Your Committee had before it a report from Canada Law Book concerning delay in its receipt of some of the reasons for judgment, in particular oral judgments of the Court of Appeal. Your Committee has appointed one of its members to discuss this matter with the Chief Justice and report back to your Committee at its September meeting.

MICROFILMING OF REPORTS

(a) Your Committee had before it a letter dated May 24th, 1973, addressed to the Society from Mr. Claude Tellier, Q.C., who is a Montreal lawyer and Chairman of the Committee in Quebec responsible for the microfilming of Quebec Law Reports. This letter made certain proposals respecting the co-ordination of the Society's project and the Quebec Bar's project for microfilming Reports. Your Committee appreciates the importance of co-ordinating such projects throughout Canada and has appointed Messrs. Henderson and Morden to pursue this matter at the August meeting of the Federation of Law Societies.

(b) Your Committee had before it another letter from Mr. Tellier explaining that the Quebec Bar has undertaken to microfilm the Exchequer Court Reports, and Mr. Tellier wondered if the Society would be prepared to lend the Quebec Bar a complete series of these Reports for the microfilming process. The microfilming takes place in Toronto, and if the Society would make a set available, the Quebec Bar would not have to transport a set from Montreal. The Great Library has a spare set and your Committee recommends that it be made available to the Quebec Bar, as requested, subject to the Society having confirmation from the appropriate authorities that the Quebec Bar has the right to microfilm the Exchequer Court Reports.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 7th day of June, 1973, the following members being present: Mr. Strauss, Chairman, Messrs. Cass, Fennell, Henderson, Pallett, Steele, Trepanier and White.

NOTARIES PUBLIC

Your Committee had before it a list of complaints about Notaries Public received by the Society over the past 2 years. Your Committee has instructed its Secretary to arrange a meeting with the Attorney General for the purpose of discussing these complaints and the problems encountered by the Society in dealing with them.

Several other matters of a routine nature were discussed and the necessary instructions were given to the Secretary.

THE REPORT WAS ADOPTED

CONVOCATION THEN ROSE AT 12:50 P.M.

The Treasurer and Benchers entertained as their special guest at luncheon Mr. E. A. Royce, Chairman of the Ontario Securities Commission.

Read in Convocation and confirmed this 21st day of September, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday, 7th September, 1973

10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carthy, Common, Cooper, Cory, Fennell, Finlayson, Grange, Gray, Griffiths, Levinter, MacKinnon, Pallett, Pepper, Seagram, Sheard, Strauss, Thom, Trepanier, Wallace and Zahoruk.

The Treasurer noted with regret the deaths of two Benchers Ex Officio.

Mr. Ralph D. Steele, Q.C., died on 26th June, 1973 at the age of 65. Mr. Steele was called to the Bar on 18th June, 1931 and practised law in Chatham until shortly before his death. He was first elected a Bencher in January 1958 and subsequently re-elected in 1961, 1966 and 1971. On 15th June, 1973 Mr. Steele became a Bencher Ex Officio. Mr. Steele had served on various Committees of Convocation and had been Chairman of the Libraries and Reporting Committee prior to becoming a Bencher Ex Officio.

The Honourable John Wellington Pickup, Q.C., former Chief Justice of Ontario, died on 3rd September, 1973 at the age of 83. Mr. Pickup was appointed Chief Justice in 1952 and retired in 1957 because of illness. He had served as a Bencher of the Society from 1946 to his appointment as Chief Justice. One of his partners in the firm of Fasken, Robertson, Aitchison, Pickup & Calvin, Robert S. Robertson, preceded him in that office. Following his retirement Mr. Pickup became a Bencher Ex Officio. He was called to the Bar in 1913.

SPECIAL COMMITTEE ON SALES TAX

The Treasurer announced the appointment of a Special Committee on Sales Tax composed of Mr. Pallett (Chairman) and Mr. Carthy.

SPECIAL COMMITTEE ON PUBLIC AND PROFESSIONAL RELATIONS OFFICER

The Treasurer announced the appointment of a Special Committee on Public and Professional Relations Officer composed of Mr. Carley (Chairman) and Messrs. Beament and FitzGerald.

OSGOODE HALL FENCE

The Treasurer referred to correspondence with the City and noted that a letter dated 28th August, 1973, from Mr. Reid Scott on behalf of the City confirmed that no action is to be taken by the City in connection with the widening of Queen Street in front of Osgoode Hall so that the Society is free to proceed with the renovations of its fence in its present location.

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Wednesday, the 11th day of July, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Cass, Cory, Ferrier, Finlayson, FitzGerald, Griffiths, C. R. Harris, Lochead, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for two months ended May 31, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for two months ended May 31, 1973.

(b) The Controller submitted a statement of a solicitor's account for services rendered the Plan and an account of an Investigator.

(c) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

(d) The Controller submitted, on behalf of the Director, a recommendation with respect to writing-off a client recovery pursuant to Section 98(2) of the Regulation.

This write-off was reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of June, 1973.

(b) The Legal Accounts Officer submitted a report for the month of June, 1973 with respect to reviews and appeals.

SUB-COMMITTEE APPOINTED TO REVIEW THE LEGAL AID TARIFFS

W. Gibson Gray, Q.C., former Chairman of the Sub-Committee on Tariffs, in his report introducing the amended tariffs which were presented to the Attorney General for approval, recommended "that the Legal Aid tariff be reviewed every two years by a sub-committee consisting of members of the Legal Aid Committee and representative members of the Bar of Ontario practising in different parts of Ontario and in different fields of endeavour".

Your Committee recommends that each Law Association appoint a tariff adviser so that when the Sub-Committee Appointed to Review the Legal Air Tariffs meets over the next several years, the proposed amendments to the tariff can be sent for comment and consideration to a particular representative of a Law Association. Your Committee requested the Director to write the President of each Law Association advising them of the Legal Aid Committee's decision and informing them that criteria would be established from time to time with respect to the tariff. Your Committee felt that this would ensure that any local problems relating to the tariff could be ascertained.

DECENTRALIZATION—YORK COUNTY

In August, 1972 Convocation approved in principle the recommendation set out in the Community Legal Services report that decentralization in York County be permitted to proceed expeditiously, carefully making provision for the location of offices that are (a) geographically convenient to individual municipalities showing a need for assisted legal services, (b) located in or near areas of most concentrated need and (c) close to major public transportation.

At the July meeting, the Director informed the Committee that arrangements were being made to transfer all applications for criminal certificates in York County to the Old City Hall; this being the first phase of the decentralization. The space had been approved by the Attorney General's Department and at the initiation of Chief Judge Hayes.

The Chairman was requested to appoint a Sub-Committee to implement the decentralization of York County.

APPOINTMENT TO THE LEGAL AID COMMITTEE

Your Committee recommends that Professor Stephen

Borins, Osgoode Hall Law School, York University, a Bencher of the Law Society, be appointed a member of the Legal Aid Committee.

APPOINTMENT OF AREA DIRECTOR, HALTON COUNTY

The Legal Aid Committee recommends the appointment of Patrick Joseph Curran, Solicitor, as Area Director for the County of Halton to succeed Warren L. Durham who has been appointed a Provincial Court Judge.

The Halton County Law Association has recommended the appointment of Patrick Joseph Curran as Area Director for the County of Halton.

EXEMPTION FROM SECTION 71 OF THE LEGAL AID REGULATION

Section 71 of the Legal Aid Regulation reads:

> "71. Except in an area or part of an area exempted from this section by the Legal Aid Committee and subject to section 72, unless with the prior approval of the Director, no duty counsel or any person associated with him in the practice of law shall knowingly act in the same matter for a person whom he has represented or advised as duty counsel."

W. J. E. Parker, Area Director, Huron County, wrote the Director advising that there are only ten solicitors on his duty counsel roster and that the Huron Bar Association is comprised of sixteen or seventeen lawyers. He requested the Committee to consider exempting the area from Section 71 of the Regulation.

Your Committee recommends that Goderich and the surrounding area be exempted from Section 71 of the Regulation.

PART VII OF THE REGULATION

Payment of Costs

Your Committee considered the following application for payment of costs under Part VII of the Regulation.

On June 20th, 1969 W. B., the legally aided plaintiff, brought an action for damages for breach of an employment contract against M. and R. Ltd.

On April 29th, 1968 the plaintiff was ordered to furnish the particulars of damage. On failure to supply the particulars, the action was dismissed with costs which were taxed in the amount of $103.00.

Counsel applied for payment of costs from the Fund on behalf of his client, M. and R. Ltd.

On the recommendation of George E. Wallace, Q.C., Vice-Chairman, who had reviewed the application, your Committee recommends the application be refused.

DIVORCE ACTIONS

(a) *Criteria for Divorce Proceedings*

At its meeting in June, 1971, the Legal Aid Committee reviewed a memorandum prepared by the administrative staff in the provincial office wherein it was recommended that criteria be established to cover the issuance of certificates to financially eligible applicants in divorce proceedings. The said criteria were originally discussed with the Area Directors in March, 1971. The majority of the Area Directors were in agreement that the criteria should be applied.

In June, 1971 Convocation approved the Legal Aid Committee's recommendation that in exercising his discretion under the Act, an Area Director is expected not to issue a certificate in the following cases, except in the most unusual circumstances:

1) Where the applicant is unemployed but is employable and may have sufficient income if employed to obtain his or her own divorce.
2) To defend a divorce where the dispute is with respect to costs only unless the petitioner is not legally aided.
3) Where the applicant can pay $25 per month — he or she should be asked to consult a lawyer first.
4) Where the applicant has not demonstrated an immediate need at the time of application.
5) Where the applicant has present plans to remarry and demonstrates an immediate need, but could, with reasonable management of his or her financial affairs, pay for his or her own divorce within a reasonable time.
6) Where the applicant intends to remarry and his or her intended spouse is possessed of sufficient means to pay for the divorce.
7) Where the applicant has grounds for divorce and while having such grounds had sufficient means to pay for the divorce but has spent the money on luxuries, i.e., clothes, travel, colour TV, etc.

At the meeting of the Area Directors in June, 1973 the criteria were again briefly discussed and it was obvious that there is a wide discrepancy as to the interpretation of the criteria; some Area Directors ignoring the criteria, while others follow the criteria to the letter of the law.

In general, the Area Directors felt that the criteria should be dispensed with.

Your Committee recommends that the above-noted criteria be abolished in view of the proposed amendment to Item 14, Schedule 3 of the Legal Aid tariff wherein the fee to be paid for handling an uncontested divorce action will be $320 less the statutory reduction.

(b) Re: *Contested Divorce Actions — Revocation of Block Fee — Suggested Procedure For Reviewing Merits After Discovery*

At its April 27th, 1973 meeting, Convocation amended Schedule 3 of the Regulation, Fees in Civil Matters, by revoking the block fee on contested divorce actions. Convocation was of the view that contested divorce, custody and alimony actions should be included in the general tariff heading of Supreme Court Actions.

Concern was expressed by Judges that Legal Aid is financing contested divorce, alimony and custody actions of questionable merit that should not be brought to court.

Your Committee recommends that, to prevent abuse, the following procedure should be implemented by the Area Directors when issuing a divorce certificate.

The Area Director should issue a certificate for divorce and ancillary relief. When the Area Director receives the solicitor's opinion letter, he may issue an authority to proceed as an undefended divorce only. If, however, a defence is filed, the solicitor should then write the Area Director and seek authority to proceed as a contested divorce action. The Area Director will then issue a second authority to proceed to completion of discoveries when a further opinion is required. Whether discoveries occur or not, an Area Director must require a further opinion from the solicitor on the merits of the case before trial.

The procedure for issuing a general certificate for divorce and ancillary relief and not limiting it, has worked well in York County. It has substantially reduced the paper flow since control is exercised through the authority to proceed through opinion letters and dispenses with the necessity of amending or replacing a certificate. Secretarial work is, therefore, reduced and members of the Bar are not bothered with having to return certificates to an Area Director's office for amendment.

RE ISSUANCE OF CIVIL CERTIFICATES AND OPINION LETTERS

The Chairman was requested to appoint a sub-committee to consider an amendment to Section 58 of the Regulation which, on the face of the legislation, would clearly enable Area Directors to require supportive reasoning for legal opinions.

AREA COMMITTEES

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Leeds & Grenville Counties

Lieutenant J. Girling, Salvation Army, Brockville

Thunder Bay District

John F. McCartney, Solicitor, Thunder Bay

York County

Stanley R. Ellis, Solicitor
Dr. Catharine Steele, Retired Principal of Havergal College
Gordon Atlin, Q.C.
Douglas E. Rollo, Q.C.
Clare Lewis, Solicitor
Miss Frances Knoll, University of Toronto Faculty of Social Work
Hugh F. H. Sedgwick, Solicitor
Charles E. Purvis, Solicitor
Michael Chykaliuk, Solicitor
Sidney Linden, Solicitor
Frank Roberts, Solicitor
John Jennings, Solicitor
James C. MacDonald, Q.C., Director, Bar Admission Course
Sherman Hans, Solicitor
Gwen Brodie, lay member
Kenneth Danson, Solicitor
Ruth Parry, Chief Social Worker, Psychiatric Services, Provincial Court (Family Division) — Clarke Institute
Hazel Caunce, Ombudsman of Regent Park Tenants Association

Resignations:

Leeds & Grenville Counties

Capt. Ed Amos

Thunder Bay District

R. B. Mitchell, Solicitor

York County

Mrs. Anne Dubin, Q.C.
Stanton Hogg, Solicitor
Elmore Houser, Q.C.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee for its meeting on 9th August, 1973:

Your Committee met on Thursday, the 9th day of August, 1973, in North Bay, Ontario. The following members were present: John D. Bowlby, Q.C., Chairman, and Messrs. Carley, Cass, Common, Cooper, FitzGerald, Grange, C. R. Harris, Henderson, Lochead, A. W. Mahoney, Trepanier and Wallace.

The Committee had as a special guest His Honour Chief Judge F. C. Hayes, Provincial Courts, Criminal Division.

The following Area Directors were in attendance:

J. Andre Cousineau, Cochrane District
R. J. Huneault, Manitoulin & Sudbury Districts
P. J. Burns, Temiskaming District
B. B. Trembley, Thunder Bay District
A. C. Harry, Algoma District
J. K. Doner, Kenora District
R. D. Tafel, Nipissing District
W. H. Greene, Parry Sound District
P. B. Stuart, Muskoka District

At the invitation of the Committee, the following Indian representatives attended the meeting:

Chief Roland Restoule, Dokis No. 9 Band
Barbara Restoule, Administrator, No. 9 Band
Chief Paul Goulais, No. 10 Band
Fred McLeod, Administrator, No. 10 Band

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of June, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the three months ended June 30th, 1973.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of July, 1973.

(b) The Legal Accounts Officer submitted a report for the month of July, 1973 with respect to reviews and appeals.

APPOINTMENT OF ASSISTANT PROVINCIAL DIRECTOR

Lyle S. Fairbairn, Assistant Provincial Director, has submitted his resignation to accept an appointment as counsel to the Ontario Law Reform Commission effective November 1st, 1973.

Your Committee accepted his resignation with regret and recommended that as of the end of October, 1973, Mr. Fairbairn be appointed a non-bencher member of the Legal Aid Committee.

Your Committee recommends the appointment of John B. Allen, Q.C., presently Deputy Area Director for York County, as Assistant Provincial Director to replace Mr. Fairbairn.

APPOINTMENT OF ASSISTANT LEGAL ACCOUNTS OFFICER

Your Committee recommends the appointment of Joseph Dubeck, Solicitor, Hamilton, as Assistant Legal Accounts Officer for a period of one year at a salary to be negotiated.

EXPIRY OF LEASE — PROVINCIAL DIRECTOR'S OFFICE, 123 Edward Street, Toronto

The Chairman and Provincial Director advised the Committee that it was necessary to relocate the Provincial Director's office prior to December 15th, 1973. The lease in respect of such office expires on that date and the Committee was advised that the present accommodations are grossly inadequate for the Plan's current and future needs.

The Committee appointed S. G. M. Grange, Q.C., to make recommendations to the Committee concerning the final selection of a building, and to assist with the negotiations respecting the move.

GROUP APPLICATIONS FOR LEGAL AID

The interim report of the sub-committee concerned with group applications for Legal Aid was presented to the Committee by P. S. FitzGerald, Q.C. In the absence of Peter deC. Cory, Q.C., and John W. Morden, who together comprised the sub-committee, the matter was deferred.

The reasons for decision given by the York County Area Committee in the group application for Legal Aid of the Grange Park Ratepayers Association were referred to the said sub-committee which was instructed to comment on certain questions raised therein by R. J. Carter, Chairman of the York County Area Committee.

The Chairman suggested that the Director reply to Mr. Carter advising him that the questions had been referred to the sub-committee for comment and suggesting, in the meanwhile, that no action be taken which is not expressly contemplated by the legislation.

DELIVERY OF LEGAL SERVICES IN NORTHERN ONTARIO

At its meeting in North Bay, the Committee reviewed with a number of knowledgeable guests the effectiveness of the Plan in Northern Ontario and, in particular, its effectiveness in providing legal services to Indians.

During the course of the discussion between the Committee and the guests (who included Chief Provincial Judge Hayes and two Indian Chiefs from local reserves) a number of comments were made concerning the Plan's operation in Northern Ontario:

1. The discretion of Duty Counsel operating in remote regions should be vastly enlarged to enable immediate decisions to be taken concerning legal or financial eligibility for Legal Aid.

   Duty Counsel should be permitted to rely on local officials or other persons in the locality in assessing financial eligibility.
2. Tours of Civil or Criminal Duty Counsel in remote regions might appropriately involve the employment of some full-time salaried lawyers.

The Committee observed:

1. Some Area Directors in Northern Ontario accept a letter or phone call as an application for Legal Aid.
2. Great difficulties are frequently experienced in arranging for a resident of a remote area to meet with the lawyer of his choice. These difficulties often occasion inordinate delay in the courts.
3. A very low level of knowledge of the operation of the present Plan was apparent in discussions with the Indian representatives.

Your Committee recommended that the Plan immediately:

(a) Provide, in the discretion of the local Area Director, travel warrants to Indians in criminal matters.

(b) Adopt, with approval, the limited practice of some Area Directors of accepting long distance collect telephone calls from persons in remote regions in urgent need of legal advice, including Indians.

(c) The establishment of a native liaison officer at individual reserves, trained to recognize legal problems, would immediately improve communication between the Plan and the native people.

The Committee further recommended that a special sub-committee be established to enquire further into the problems of delivery of Legal Aid Services in Northern Ontario and to report back, with recommendations, to the full Committee.

The Chairman has appointed the following members to such sub-committee:

P. S. FitzGerald, Q.C. (Chairman)
G. E. Wallace, Q.C.
A. W. Maloney, Q.C.
Peter deC. Cory, Q.C.
C. R. Harris

AREA COMMITTEES

Pursuant to Section 4(1) of the Legal Aid Act, the following have been appointed members of the *Kent County Area Committee*:

Garnet Newkirk (former Mayor and formerly President, Ontario Municipal Association)

Ronald F. Moon, President, Local 127, U.A.W.

THE REPORT WAS ADOPTED

Mr. Bowlby presented the Report of the Legal Aid Committee for its meeting on 31st August, 1973:

Your Committee met on Friday, the 31st day of August, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Carthy, FitzGerald, Finlayson, Grange, C. R. Harris, Levinter and A. W. Maloney.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the 4 months ended July 31st, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 4 months ended July 31st, 1973.

(b) *Write-offs*

(i) The Controller submitted recommendations, on behalf of the Director, with respect to the writing-off of balances owing by contributing clients pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

(ii) The Controller submitted recommendations, on behalf of the Director, with respect to writing off client recoveries pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

LEGAL ACCOUNTS OFFICER'S REPORTS

Note: As of the date of this meeting, the Legal Accounts Officer's Reports had not been completed.

EXPIRY OF LEASE — PROVINCIAL DIRECTOR'S OFFICE, 123 Edward Street, Toronto

At its meeting in North Bay on 9th August, the Committee appointed S. G. M. Grange, Q.C., a sub-committee of one, to overview the final selection of new premises for the provincial office.

At its meeting on 31st August, after an in-depth review of the reports of Technical Economists Limited and A. E. LePage Limited, which the Director had obtained on the instructions of the Committee, and careful consideration of Mr. Grange's report, and after hearing verbal representations from both Mr. Magyar of Technical Economists Limited and Mr. Grange, your Committee unanimously recommends that the provincial office be relocated in the York Centre building.

Your Committee, therefore, unanimously recommends that the Ontario Legal Aid Plan enter into a lease of and move to premises in the York Centre by December 1st, 1973 on the rental terms outlined by our consultants.

APPOINTMENT OF SUB-COMMITTEE RE SECTION 17(2) OF THE ACT

Your Committee considered the request of Mrs. A. C. R. Rosenthal, Legal Accounts Officer, for the appointment of a sub-committee to consider the matter of the provisions of Section 17(2) of the Act which places a charge on a recovery made by a client to the extent of the costs payable under the Act.

The Legal Accounts Officer enquired whether, in certain circumstances, this charge could be waived or varied.

Your Committee appointed the following as members of a sub-committee to review the matter and make recommendations: Messrs. Cory, Grange and Lochead.

LEGAL ACCOUNTS OFFICER

RE DECISION OF MASTER MCBRIDE

The Committee considered a memorandum from Mrs. A. C. R. Rosenthal, Legal Accounts Officer, attached to which was a decision of Master McBride wherein the Master was of the opinion that the Legal Accounts Officer should be as quick to point out to a solicitor that he has omitted from his account a fee to which he is entitled as the Legal Accounts Officer is to disallow fees to which a solicitor is not entitled.

Your Committee is in agreement with the decision of the Taxing Master and requested the Legal Accounts Officer to adopt this policy.

PART VII OF THE REGULATION

Payment of Costs

The following application for payment of costs under Part VII of the Regulation was reviewed by the Committee.

Re: *I. D. Q.* (legally aided)

I. D. Q. obtained a certificate to bring an action for damages sustained as a result of a motor vehicle accident. The issue to be determined was which person entered the intersection on a red light.

The Trial Judge accepted the defendant's defence and dismissed the action with costs to the defendant (taxed at $522.90).

The application for payment was made by a solicitor who advised Legal Aid that he was acting on behalf of an Insurance Company.

George E. Wallace, Q.C., Vice-Chairman, reviewed the application and recommended that it be refused.

Your Committee concurred with Mr. Wallace's recommendation and refused the application.

DECENTRALIZATION — YORK COUNTY — RENEWAL OF LEASE

In August, 1972 Convocation approved the principle of decentralization of the York County Office.

Negotiations were recently concluded with the Department of the Attorney General and Chief Judge Fred Hayes, Provincial Courts, to transfer all criminal legal aid applications, the granting of certificates and the financial assessments pertaining thereto, to the Old City Hall. Negotiations to secure space in that building are presently underway.

As a result of decentralization it was decided to leave the York County office in its present premises and enter into a three year lease renewal. The transferring of criminal legal aid applications will remove the existing space problem in that office created by the increasing volume of applications.

The Ministry of Government Services have approved the rental rate and will also continue to lease the same premises at the York County office to facilitate the taking of financial assessments.

Your Committee unanimously approved the lease.

APPOINTMENT TO THE LEGAL AID COMMITTEE — NON-BENCHER MEMBER

In April, 1973 the Committee advised Convocation that Gordon P. Killeen, Q.C., had been appointed the representative of the Attorney General of Canada on the Legal Aid Committee pursuant to Section 2 of the Agreement Respecting Legal Aid in Matters Related to the Criminal Law signed by the Attorney General of Ontario and the Attorney General of Canada on March 15th, 1973.

Gordon P. Killeen, Q.C., has now been appointed a County Court Judge for the County of Middlesex and has resigned as a committee member.

Your Committee recommends that James B. Chadwick, Solicitor, Area Director, Carleton County, be appointed a member of the Legal Aid Committee to replace Mr. Killeen.

AREA COMMITTEE

Section 4(1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the *Legal Aid Committee for the Counties of Hastings and Prince Edward*:

Wolfram U. Tausendfreund, Solicitor, Belleville

Bruce E. Karten, Solicitor, Trenton.

THE REPORT WAS ADOPTED

FINANCE COMMITTEE — Mr. Gray

Your Committee met on Tuesday, the 7th day of August, 1973, at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Fennell, Howland, Levinter, Pallett and Thom.

SALARIES

The Report of the Sub-Committee on Salaries was before the Committee.

Approved

APPOINTMENT OF FINANCE ADMINISTRATOR

Mr. D. V. Burnett has been interviewed by the Treasurer, the Secretary, the Chairman of the Committee and others, who are recommending his appointment.

The Committee recommends that Mr. D. V. Burnett be employed by the Law Society as Finance Administrator, responsible administratively to the Secretary.

ERRORS AND OMISSIONS INSURANCE PLAN

Your Committee had before it a list of 310 members who were notified by letter dated 16th July, 1973, that unless they paid the Errors and Omissions Insurance levy, or filed an application for exemption from coverage, by 27th July, 1973, their names would be placed before the Finance Committee today and that their rights and privileges as members of the Society would be subject to suspension.

The matter was thoroughly discussed by your Committee. In view of the number involved it was decided to send a further letter to the defaulters informing them that unless they complied with the requirements by 12th September, 1973, the Committee would recommend to Convocation in September that those still in default have their membership in the Society suspended forthwith.

It was suggested that consideration be given to including the Errors and Omissions Insurance levy in the annual fees billing.

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE — Mr. Thom

RE: SIDNEY CAPLAN COMPENSATION FUND CLAIMS

The Discipline Committee composed of Mr. Stuart Thom, Chairman, and Messrs. Cory, Borins, Grange and Gray met on a number of occasions to deal with the claims on the Compensation Fund received from claimants who allege that they had been defrauded by Sidney Caplan, to consider the recommendations contained in the Referee's report and to hear submissions on behalf of various applicants. The Committee has completed its work and submits the following statement to Convocation.

The Committee proposes to authorize the distribution of a total amount of $467,054.43 to 68 individuals and one limited company. The Committee is informed that two or three further claims may still be outstanding. The amounts involved are understood to total some $26,428. The Committee is not in a position to comment on the validity of these latter outstanding claims or the amount, if any, that might be allowed.

Some 84 formal claims were received; some on behalf of more than one person. The face amount of the claims so received was $1,008,882.35. The claims were heard by J. S. Boeckh, Q.C., sitting as a Referee who recommended grants in an aggregate amount of $323,967.92. The Committee reviewed the Referee's report and recommendation with regard to each claim and heard further evidence and submissions in respect of some 20 claims on behalf of persons who were not satisfied with the Committee's initial recommendations based on the Referee's reports.

The rather considerable increase in the aggregate amount proposed to be distributed by the Committee over the amount recommended for distribution by the Referee is largely related to claims arising from situations in which funds had been entrusted to the solicitor by a claimant for investment. The Referee took the position that where the claimant had, in the Referee's opinion, failed to take reasonable care to protect his own interests, the claim should be disallowed or substantially reduced. A secondary fact was that the Referee was inclined to take a more exclusionary attitude than the Committee in distinguishing between the situation in which the solicitor was himself a borrower from the claimant and that in which the claimant had entrusted money to the solicitor for investment.

Caplan's activities raised both these matters in a particularly aggravated way and highlighted the point that the guidelines laid down to govern the making of grants from the Fund would have to be reconsidered. The Committee wishes it to be clearly understood that no criticism was intended or should be implied in any way with regard to the recommendations of the Referee. Arising out of its deliberations in connection with the Caplan claims the Committee has drafted and proposes to submit to the full Discipline Committee an extensive restatement of the guidelines which were accepted by Convocation in 1971.

Having regard to the authority conferred upon the Discipline Committee with regard to the making of grants out of the Compensation Fund, the Committee is of the opinion that it is not required to bring before Convocation, and Convocation does not expect to be called upon to deal with, the recommended grant or other disposition proposed by the Committee in respect of each claimant. The Committee is, however, greatly concerned that Convocation should be aware of the proposal to distribute an aggregate amount some three times larger than the total limit on grants of $150,000 approved by Convocation in January of 1972. Before giving its reasons for exceeding the total limit the Committee wishes it to be noted that it did impose the individual limit of $25,000 in every case in which a proved and accepted claim exceeded that amount. The aggregate of the reductions resulting from the application of the individual limit is $24,733.38.

The compelling reason in the unanimous opinion of the Committee for not applying the total limit in the Caplan case is the intolerable inequity that would result from so doing. The Committee does not know what degree of abatement of otherwise valid claims, by reason of the application of the total limit in a situation such as the one in hand, is tolerable and does not at this time raise the general question of whether the limit should be abolished. The Committee feels strongly, however, that an across-the-board abatement of 67% of the amount of proven and valid claims in this instance is quite unacceptable and was unable to find objective reasons justifying any lesser degree of abatement.

The Committee is keenly aware of the public relations aspect of the administration of the Fund and considers that a protective attitude to the corpus of the Fund should not take precedence over the considerations that would be regarded as of major importance by the public.

Proven losses suffered by the public attributable to the operations of this solicitor aggregated $719,234.25. Of this amount only claims aggregating $467,254.00 were considered to meet the conditions leading to a grant. The application of the total limit of $150,000.00 would result in grants of a derisory amount in the claims on which the proposed grant is $5,000.00 or less. It would also be highly regressive in the treatment of the larger claims in comparison with the smaller claims.

The Committee also considers that Convocation should know that because of special circumstances in four instances it has already authorized and paid the full amount of the proven claim. Three grants were based upon pure compassion for elderly women who had been robbed of their life savings by the solicitor, the other had to do with a case in which the claimant had in 1964 drawn attention to the circumstances which resulted in the loss eventually suffered by him.

THE REPORT WAS ADOPTED

ROBERT ANDERSON DOWNING

Mr. Downing applied to Convocation for permission to vary the undertaking he had given not to engage in the private practice of law without the written permission of the Society.

It was moved and seconded that Mr. Downing be permitted to vary his undertaking to enable him to practise as an employee of a firm of solicitors who practise in Ottawa and who have indicated to Convocation that they are prepared to employ him. This was *carried.*

CONVOCATION THEN ROSE AT 12:00 NOON

Read in Convocation and confirmed this 21st day of September, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 21st September, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Borins, Bowlby, Carley, Cartwright, Cass, Common, Cooper, Cory, Evans, Fennell, Finlayson, FitzGerald, Grange, Gray, Griffiths, Goodman, H. E. Harris, Henderson, Krever, Levinter, Morden, MacKinnon, O'Brien, Pallett, Pattillo, Pepper, Seagram, Sheard, Sopha, Strauss, Thom, Trepanier, Wallace, White, R. F. Wilson and Zahoruk.

The Minutes of Convocation of 15th June, 1973 and the Minutes of Special Convocation of 7th September, 1973 were read in Convocation and confirmed.

APPOINTMENTS TO SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA

The Treasurer announced the appointment of Mr. Joseph Sedgwick and Mr. P. deC. Cory to the Special Committee on Muniments and Memorabilia and named Mr. Sedgwick as Chairman of the Committee.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 13th day of September, 1973 at 2:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Carthy, Cass, Cory, Goodman, Gray, Henderson, Krever, Morden, Pattillo, Sheard, Thom and White.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments: It is recommended that the following appointments be approved for the 1973/74 teaching term of the Bar Admission Course:

(a) *Real Estate and Landlord and Tenant*:

Donald H. Lamont, Q.C., to continue as head of this section and the following instructors to either continue or be appointed:

P. A. Adams, D. A. Allport, L. D. Barsky, A. Bennett, T. H. Bjarnason, Mrs. M. L. Caswell, K. J. C. Dean, T. G. Deacon, C. T. Fletcher, L. Fine, J. Freyseng, D. G. Friend, R. W. Gardner, K. N. Karp, Miss M. A. Kelly, B. J. M. Lorenz, D. J. Mackey, P. Merrick, D. Milman, D. W. Milne, M. J. Mitchell, M. J. Mowbray, Q.C., B. L. Remus, A. J. Shaul, Q.C., W. R. Stevenson, C. Stoyan (new), R. J. Swayze, P. H. G. Walker, Q.C., P. White, C. F. Winer, R. L. Woods, M. Garvey, J. N. Magill, W. W. Markle, A. A. Strauss, Q.C., and M. H. Appleton (new).

(b) *Accounting and Analysis of Financial Statements*:

K. H. C. Laundy, B.Com., M.A., F.C.A., to continue to deliver the series of lectures forming this section.

(c) *Professional Conduct*:

Kenneth Jarvis, Q.C., to continue as head of this section assisted by Clarence I. Scott, Q.C.

(d) *Corporate and Commercial Law*:

J. Gordon Coleman, to be appointed as head of this section to fill the vacancy created by the resignation of Mr. John D. Ground.

(e) *Creditors Rights and Bankruptcy*:

Douglas N. Macklem, Q.C., to continue as head of this section and the following instructors to either continue or be appointed:

R. A. Anger, D. A. Wetmore, W. J. Meyer, T. C. Marshall, J. Dimoff, D. J. Brown, F. Bennett, R. G. Marantz, N. A. Endicott, T. Dolan, G. Cihra, S. Naftolin, A. Milrad, M. Armel, R. Walker, M. Shafir, B. J. Kamin, M. Greenglass, G. I. Ferguson, J. M. Rosen, J. S. Herron, L. S. Crackower, M. D. O'Reilly, L. E. Wratten, Q.C., I. D. Cochrane, Q.C., D. I. Bristow, Q.C., M. M. Steidman, G. J. Cooper, A. O. Jacques, W. Swybrous, D. E. Baird, T. E. Brooks, G. Gold, W. A. McTavish, D. R. Arthurs (new), L. Mangoff (new), and G. Gringorten (new).

Approved

Dean H. W. Arthurs, Osgoode Hall Law School, has written to the Treasurer stating that the Committee of Deans intend to study the future demand for places in law schools and the future market for law-trained graduates. The Treasurer has asked the Committee to consider what co-operation the Society is prepared to give the study. Dean Arthurs has asked for support in the following ways:

(1) Some financial contribution towards costs of the study;

(2) Co-operation in making available to them records of the Society; and

(3) Co-operation in enabling them to contact members of the Society in connection with various surveys planned as part of their research.

Your Committee recommends that the Society co-operate in the study, and that a Sub-Committee be appointed by the Chairman to consider the nature of the problem and the extent and nature of the co-operation to be given by the Society. The Chairman appointed the following to the Sub-Committee: Stuart Thom, Q.C. (Chairman), A. S. Pattillo, Q.C., and R. W. Cass, Q.C.

LAWYERS AUDITING BAR ADMISSION COURSE — EXAMINATIONS

The Committee is asked to consider as a matter of policy whether lawyers who are permitted to audit the teaching portion of the Bar Admission Course should be required to pass the usual examinations during the course.

Your Committee recommends that they be not required to sit examinations.

SPECIAL PETITIONS

Eight petitions were considered by your Committee. Two petitioners requested permission to defer indefinitely entering the teaching portion of the Bar Admission Course — one to attend an LL.M. programme at the University of Michigan and thereafter pursue an academic career; the other to pursue studies at the University of Montreal leading to admission to the Quebec Bar. Your Committee recommended that both be advised that an indefinite deferment cannot be granted. Four petitioners asked permission to defer entering the teaching portion of the Bar Admission Course — the first because of ill health; the second to enter the LL.M. programme at the University of London; the third to complete work with the Law Reform Commission of Canada and teach as a sessional lecturer on Criminal Law in Ottawa; and the fourth to attend to family business affairs in India. All four petitions were approved by your Committee. Two solicitors petitioned for permission to audit the teaching portion of the Bar Admission Course. One was called in March 1966 and practised for only two months before going to Australia and the other was called in 1951, practised for four years and then ceased practice to raise her family. Your Committee approved both these petitions.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 13th day of September, 1973, at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, and Messrs. Beament, Borins, Cartwright, Lochead, MacKinnon, Pepper, Seagram, Sheard and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 708 candidates, having complied with the relevant Regulations paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1973. Of this number 704 applied under Regulation 26(5), 2 Quebec barristers applied under Regulation 4(2) and 2 United Kingdom practitioners (one from England and one from Scotland) applied under Regulation 5(1).

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

The following candidates having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1972:

Under Regulation 7

COOMARASWAMY, Arichandra Motilal,
Commonwealth Transfer

Under Regulation 5

VARMA, Ashoka Kumar, U.K. Solicitor

Approved

CALL TO THE BAR AND CERTIFICATE OF FITNESS

BAR ADMISSION COURSE

The following candidate having successfully completed the Eleventh Bar Admission Course, filed the necessary documents and paid the required fee of $210, applied for Call to the Bar and to be granted a Certificate of Fitness:

Leslie Allan Stein

Approved

DIRECT TRANSFER

Your Committee had before it three applications, two from British Columbia solicitors and one from an Alberta solicitor, for permission to proceed under Regulation 4(1) for direct transfer to practise in Ontario. The application of one British Columbia solicitor was premature and your Committee recommended that he be so advised. The other two solicitors had been given permission to write the September transfer examination subject to the Committee's approval of their applications. The Committee approved these applications.

DIRECT TRANSFER FROM QUEBEC

Your Committee considered an application from a Quebec solicitor for permission to proceed under Regulation 4(2) for direct transfer to practise in Ontario. The application was approved.

UNITED KINGDOM SOLICITORS

In April your Committee approved the application of a Scottish solicitor to proceed under Regulation 5(1) subject to the applicant presenting proof that he was in active practice in Scotland immediately preceding application. At its June meeting the Committee considered further correspondence from the solicitor and recommended that more information be requested. Your Committee considered the information furnished and the solicitor's request to be permitted to proceed under Regulation 4. Your Committee found that the solicitor could not qualify either under Regulation 5(1) or Regulation 4 and recommended that the application be refused.

Your Committee considered an application for permission to enter the Bar Admission Course from a graduate of the LL.B. course of the University of Glasgow. The applicant presented a certificate confirming that his educational attainments equal graduation from a law course in an approved university in Canada. Your Committee approved the application.

COMMONWEALTH TRANSFER

An application for permission to enter the Bar Admission Course from a solicitor from Ceylon was considered by your Committee. The applicant wished the Committee to waive the requirement of an LL.B. degree from an approved Canadian university. Your Committee recommended that he be advised he does not qualify under the Regulation.

OCCASIONAL APPEARANCE

Paul V. Walsh, Winnipeg, Manitoba, applied to proceed under Regulation 10 governing "Occasional Appearance in Ontario" of lawyers from other provinces. He asked to be called to the Bar and admitted as a solicitor so that he may appear on a case scheduled for November 1973. Your Committee recommends that his application be approved subject to completion of documentation.

SPECIAL PETITION

Your Committee approved the application of a graduate of the approved LL.B. programme of Queen's University, who had subsequently moved to California, for permission to enter the Bar Admission Course.

FULL-TIME MEMBERS OF THE FACULTIES OF APPROVED LAW SCHOOLS

The following members of approved law faculties ask to be called to the Bar and admitted as solicitors without examination under Regulation 9 respecting full-time members of approved law faculties in Ontario upon payment of a fee of $200. Letters confirming the eligibility of the applicants have been received from the deans of the relevant law schools for the following applicants.

George William Adams: B.A. (McMaster University 1967); LL.B. (Osgoode Hall Law School 1970); LL.M. (Harvard University 1971).

Bruce Knyvet Arlidge: B.A. (University of British Columbia 1950); LL.B. (University of British Columbia 1951); LL.M. (Osgoode Hall Law School 1971); Barrister and Solicitor in British Columbia until 1952.

Roger Glyn Bailey: LL.B. (University of Auckland 1966); LL.M. (University of Melbourne 1970); Barrister and Solicitor New Zealand 1966; Barrister and Solicitor Fiji 1968.

David Munro Beatty: B.A. (University of Toronto 1965); LL.B. (Osgoode Hall Law School 1968); LL.M. (University of California 1969).

Brian Delby Bucknall: B.A. (McMaster University 1965); LL.B. (Osgoode Hall Law School 1968); LL.M. (Columbia University 1969).

Alan Grant: LL.B. (University of London, England, 1970); Called to the Bar in England 1970.

John McGillvray Johnson: B.A. (University of Alberta 1958); LL.B. (University of Alberta 1959); Called to the Bar in Alberta 1960.

Norman May: B.A. (McGill University 1957); B.C.L. (McGill University 1961).

John Douglas McCamus: B.A. (University of Western Ontario 1963); M.A. (University of Toronto 1965); LL.B. (University of Toronto 1968); LL.M. (University of London 1969).

John Peter Somerset McLaren: Dean of Law, University of Windsor; LL.B. (University of St. Andrews 1962); LL.M. (University of London 1962); LL.M. (University of Michigan 1970).

John Craig Paterson: LL.B. (University of Western Ontario 1970); LL.M. (Harvard University 1971).

Approved

The following applications are before the Committee for approval subject to receiving confirmation of their eligibility:

John William Taylor Judson: B.A. (Honours in Politics and Economics Queen's University 1965); LL.B. (Queen's University 1971).

Bernard James Davies: LL.B. (University of Wales 1962); LL.M. (Northwestern University, Chicago, 1963); J.D. (Northwestern University 1969); Called to the Bar in England 1971.

Approved

REPORT OF THE EXAMINING BOARD

The report of the examination held in September 1973 is before the Committee. Three candidates sat the examination. The following candidate passed:

Ross Bennett Albert Pope

Two candidates failed.

Approved

COMMONWEALTH EXAMINATIONS

Five candidates were approved by the Committee to proceed under the then Regulation 7:

Masoor Qadir Chowdhry, West Pakistan
Kishore Premji Tanna, India
Noorali Premji Dhanani, Tanzania
Z. Haque, Uganda
Jos. W. Humphrey, U.S.A.

All five passed the required examination.

Approved

THE REPORT WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 13th day of September, 1973, at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Beament, Cartwright, Fennell, Henderson, Levinter, MacKinnon, Pattillo, Pepper, Sheard, Thom and Trepanier.

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Richard Thomas Patrick Gravely, Toronto	Called—26 June 1958 Appointed Provincial Judge, Family Court, County of York 4 July 1973
Francis William Olmstead, Owen Sound	Called—27 June 1957 Appointed Provincial Judge, Criminal Division, Bruce County—4 July 1973
John Abercrombie Pringle, Q.C., Belleville	Called—24 September 1952 Appointed County Court Judge, County of Norfolk—13 July 1973
Dennis Rory O'Connor, Toronto	Called—25 March 1966 Appointed Provincial Judge, Yukon Criminal, Juvenile and Family Courts, Yukon Territory, and of the British Columbia Provincial Court—15 July 1973

Michael Richard Meehan, Sudbury	Called—22 June 1960 Appointed County Court Judge and District Judge, Essex County—3 August 1973
Allan Goodman, Q.C., Welland	Called—20 January 1944 Appointed Judge, S.C.O.—3 August 1973
Donald Ross Shearer, Q.C., Toronto	Called—15 June 1944 Appointed County Court Judge-at-large, Ontario County—3 August 1973
David Fletcher Mossop, Q.C., Sudbury	Called—29 June 1949 Appointed County Court Judge, Waterloo County—3 August 1973

Deaths

The following members have died:

Allan Richard Graydon, Q.C., Toronto	Called—19 June 1924 Deceased—12 June 1973
Ralph Douglas Steele, Q.C., Chatham (Ex-Officio Bencher)	Called—18 June 1931 Deceased—26 June 1973
William David Bruce Turville, Q.C., London (Life Member)	Called—21 November 1901 Deceased—28 June 1973
Eric Royal Marsden, Q.C., Toronto	Called—19 June 1947 Deceased—30 June 1973
Miss Jean Elizabeth Helen Maclennan, Q.C., Toronto	Called—24 November 1927 Deceased—14 July 1973
Arthur Walter Adams White, Q.C., Galt	Called—17 November 1938 Deceased—3 July 1973
John Harold Lloyd Morgan, Q.C., Minden (Life Member)	Called—25 May 1912 Deceased—5 July 1973
Hugh John McNulty, Q.C., Ottawa (Life Member)	Called—2 November 1921 Deceased— June 1973
Herbert George Heron, Q.C., Ottawa	Called—16 September 1926 Deceased—4 March 1973
George Arthur McLean, Barrie	Called—29 June 1950 Deceased—17 July 1973

James Mackerras Macdonnell, Q.C., Ottawa (Life Member)	Called—19 May 1911 Deceased—27 July 1973
John Prendergast O'Reilly, Q.C., Hamilton	Called—16 June 1927 Deceased—22 February 1973
James William Swackhamer, Q.C., Toronto	Called—29 June 1950 Deceased—5 August 1973
Robert Gordon McK. Honsberger, Kitchener	Called—19 September 1935 Deceased—17 August 1973
Robert Winfield Frankish, Q.C., Toronto	Called—18 January 1945 Deceased—6 August 1973
Howard Addison Hall, Q.C., Toronto (Life Member)	Called—20 June 1918 Deceased—21 August 1973
William Richard Latimer, Q.C., Toronto	Called—16 June 1961 Deceased—25 August 1973
Alexander Reid Tilley, Kentville, N.S.	Called—16 May 1940 Deceased—9 July 1973
Wilfrid Wright Parry, Q.C., Toronto (Life Member)	Called—9 June 1915 Deceased—20 August 1973
Percy Victor Ibbetson, Q.C., Thunder Bay	Called—30 September 1924 Deceased—24 August 1973
John Wellington Pickup, Q.C., Islington (Ex-Officio Bencher)	Called—13 September 1913 Deceased—3 September 1973

Noted

MEMBERSHIP UNDER RULE 50

The following members who are sixty-five years of age or over and who are fully retired from the practice of law or other employment applied to continue their membership in the Society at a reduced annual fee of $25:

Eric H. Silk, Q.C., Toronto
Reginald Dunbar Williams, Montreal

Approved

CHANGE OF NAME

Hugh Craig Perkins requested that his name be changed on the Rolls of the Society to *Craig Perkins*. His petition and a copy of the Order of His Honour Judge Charles J. Henry were before the Committee.

John Robert Kellerman, a solicitor called on 23rd March 1973, requested that his name be changed on the Rolls of the

Society to John Robert *Kellermann. Adreino Sartor,* a student in the 15th Bar Admission Course, requested that his name be changed on the Rolls of the Society to *Andreino* Sartor. These discrepancies are the result of clerical errors and permission is sought to make the necessary changes.

Approved

ERRORS AND OMISSIONS INSURANCE

Defaulters in applying for coverage or exemption

On the instructions of your Committee, the Secretary wrote those members who were still in default under the Society's Errors and Omissions Insurance Plan to notify them that unless they comply with the relevant requirements by the 12th of September 1973, their names will be submitted to Convocation on the 21st of September with the recommendation that their membership in the Society be suspended forthwith, pursuant to Section 36 of The Law Society Act. The Committee has before it a list of those members who are still in default.

Approved

LIBRARIES AND REPORTING COMMITTEE

County Libraries Grants

The Chief Librarian presented a memorandum respecting an Association which has sent in its Annual Return for 1972. The amounts set opposite its name are the amounts of the grants to which it appears to be entitled under the Rules and which the Libraries and Reporting Committee will consider at its meeting on this date.

Approved subject to the approval of the Libraries and Reporting Committee.

THE REPORT WAS ADOPTED

MOTION TO SUSPEND—ERRORS AND OMISSIONS INSURANCE

It was moved by Mr. Gray, seconded by Mr. Seagram, that the rights and privileges of the following members who have failed to pay the levy prescribed under Section 35 of The Law Society Act, 1970 within four months after the day on which payment was due, namely, the 30th day of March, 1973, be suspended from the 21st of September, 1973 until their levies are paid or until they file applications for exemption from coverage:

Donald H. Grant, Fenwick
Lew W. Litwin, Toronto
Bruce R. McDade, Sydney, N.S.
Angus M. Macdonald, Cornwall
John D. O'Brien, Toronto
David E. Rickerd, Toronto

Carried

DISCIPLINE COMMITTEE—Mr. Thom

GENERAL REPORT

Your Committee met on the 13th day of September, 1973 at 10:00 o'clock in the morning, the following members being present: Mr. Stuart Thom (Chairman), Mr. G. H. Lochead (Vice-Chairman), and Messrs. Beament, Bowlby, Cartwright, Carley, Chappell, Cooper, Cory, Grange, Griffiths, Goodman, H. E. Harris, Henderson, Krever, MacKinnon, Maloney, Pallett, Pepper, Seagram, Strauss, Trepanier, Wallace and White.

COMPENSATION FUND LEVY

Your Committee recommends that the Compensation Fund Levy for the ensuing year be maintained at $30.

THE REPORT WAS ADOPTED

COMPENSATION FUND SUMMARIES

COMPENSATION FUND

For the period 1st September, 1972 to 30th June, 1973

	Month of June 1973	*10 months ending 30th June, 1973*		
Balance on Hand, 31st Aug. 1972	$	$	$	$1,450,458.76
Receipts				
Fees	90.00		207,575.00	
Investment Income				
Gov. of Canada		33,500.00		
Guar. Dep. Receipt Int.	2,555.82	38,586.09		
Bank Interest		508.40	72,594.49	

Recoveries				
H. Coleman		$ 218.00		
M. Godo		520.00		
N. Pivnick		9,838.06		
S. Resnick	3,014.17	3,014.17		
H. Shuttleworth		240.00	13,830.23	293.999.72
	$5,659.99			$1,744,458.48
Disbursements				
Counsel Fees, Reporters, etc.	15.00		$39,319.35	
Administration			5,000.00	
Annual Fee Refund			630.00	
Grants				
J. H. Campbell		$ 535.08		
G. Passi		3,253.92		
Kennedy		368.68		
Willis		3,000.00	7,157.68	52,107.03
	$5,644.99	Trust Bal. — 30/6/73		$1,692,351.45

Résumé of Gross Claims Outstanding

Claims received and not processed as of 31st May, 1973		$2,246,740.96
Received during month of June		
		$2,246,740.96
Dismissed, withdrawn or written off during the month of June	$	
Settled by payment in whole or in part		
**Claims received and not processed as of 30th June, 1973*		$2,246,740.96

*Blotti —	$ 309,613.49
Caplan —	1,051,276.12
Harris —	519,749.90
	$1,880,639.51

Total paid to 30th June, 1973 on account of 826 claims of 86 former solicitors	$2,585,779.56

THE SUMMARY WAS RECEIVED

COMPENSATION FUND

For the period 1st September, 1972 to 31st July, 1973

	Month of July 1973		*11 months ending 31st July, 1973*	
Balance on Hand, 31st Aug. 1972	$	$	$	$1,450,458.76
Receipts				
Fees	60.00		207,635.00	

Investment Income				
Guar. Dep. Receipt Interest	8,719.95	47,306.04		
Gov. of Canada		33,500.00		
Bank Interest		508.40	81,314.44	
Recoveries				
H. Coleman		$ 218.00		
M. Godo	500.00	1,020.00		
N. Pivnick		9,838.06		
S. Resnick		3,014.17		
H. Shuttleworth		240.00	14,330.23	303,279.67
	$9,279.95			$1,753,738.43
Disbursements				
Counsel Fees, Reporters, etc.	5,393.90		$ 44,713.25	
Administration			5,000.00	
Annual Fee Refund			630.00	
Grants				
J. H. Campbell		$ 535.08		
S. Caplan	10,500.00	10,500.00		
G. Passi		3,253.92		
Kennedy		368.68		
Willis		3,000.00	17,657.68	68,000.93
	($6,613.95)	Trust Bal. — 31/7/73		$1,685,737.50

Résumé of Gross Claims Outstanding

Claims received and not processed as of 30th June, 1973		$2,246,740.96
Received during month of July		31,700.00
		$2,278,440.96
Dismissed, withdrawn or written off during month of July	$ 2,500.00	
Settled by payment in whole or in part	10,500.00	13,000.00
**Claims received and not processed as of 31st July, 1973*		$2,265,440.96

*Blotti — $ 309,613.49
Caplan — 1,038,276.12
Harris — 519,749.90

$1,867,639.51

Total paid to 31st July, 1973 on account of 830 claims of 87 former solicitors	$2,596,279.56

THE SUMMARY WAS RECEIVED

COMPENSATION FUND

For the period 1st September, 1972 to 31st August, 1973

	Month of Aug. 1973	*12 months ending 31st August, 1973*		
Balance on Hand, 31st Aug. 1973	$	$	$	$1,450,458.76
Receipts				
Fees			207,635.00	
Investment Income				
Guar. Dep. Receipt Int.	4,254.01	51,560.05		
Gov. of Canada		33,500.00		
Bank Interest		508.40	85,568.45	
Recoveries				
H. Coleman		$ 218.00		
M. Godo		1,020.00		
N. Pivnick		9,838.06		
S. Resnick		3,014.17		
H. Shuttleworth		240.00	14,330.23	307,533.68
	$ 4,254.01			$1,757,992.44
Disbursements				
Counsel Fees, Reporters, etc.	884.00		$ 45,597.25	
Administration			5,000.00	
Annual Fee Refund			630.00	
Grants				
J. H. Campbell		$ 535.08		
G. Passi		3,253.92		
S. Caplan		10,500.00		
Kennedy		368.68		
Willis		3,000.00	17,657.68	68,884.93
	$ 3,370.01	Trust Bal. 31/8/73		$1,689,107.51

Résumé of Gross Claims Outstanding

Claims received and not processed as of 31st July, 1973			$2,265,440.96
Received during month of August			
			$2,265,440.96
Dismissed, withdrawn or written off during month of August	$		
Settled by payment in whole or in part			
**Claims received and not processed as of 31st August, 1973*			$2,265,440.96

*Blotti —	$ 309,613.49
Chaplan —	1,038,276.12
Harris —	519,749.90
	$1,867,639.51

Total paid to 31st August, 1973 on account of 830 claims of 87 former solicitors	$2,596,279.56

THE SUMMARY WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Evans

Your Committee met on the 13th day of September, 1973 at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney in the Chair, and Messrs. Grange, Krever, Thom, Cartwright, Bowlby, Carthy, Cory, Evans, Fennell, Goodman, Griffiths, Lochead, MacKinnon, Morden, Pepper, Pallett, Seagram, Strauss and Wallace.

1. The following item appeared in your Committee's report which was considered at the June, 1973 Convocation:

"An Eastern Ontario lawyer put the following enquiry to your Committee:

> A Bank calls on me in order to prepare security documents consisting of realty mortgages, chattel mortgages, debentures. I usually prepare the documents and send them to the solicitor representing the borrower. Once my report is made to my client, the Bank, then the Bank sends me the funds, and it has been my practice to always send the funds directly to the solicitor for the borrower with whom I am dealing.
>
> I received instructions today from my client, the Bank, that all disbursement cheques should be forwarded directly to the borrower and not to the borrower's solicitor.
>
> I communicated immediately with my client, the Bank, and advised them that I could not send the cheque directly to the borrower because I was dealing with a solicitor. The Bank is insisting that I do this and I advised the Bank, my client, that I would obtain a ruling from the Law Society with respect to this matter before sending any funds directly to a borrower who is represented by a solicitor.

Your Committee, in considering this matter, assumed that the enquiry had only to do with where the cheque was to be sent and not who was to be shown as payee. The Secretary was instructed to advise that the Committee considered that it would be a poor and discourteous practice on the part of the lawyer to send a cheque directly to the borrower and that to do so may well be contrary to the Society's rules."

After some consideration this matter was referred back to your Committee for further consideration.

Having since been informed by the lawyer that the cheques in question would be payable directly to the borrower or jointly to the borrower and one of his creditors, builder or contractor, your Committee is of the opinion that if there is any controversy Section 4, subsection 3 of the Canons of Ethics would apply, namely, a lawyer

> ". . . should never in any way communicate upon the subject in controversy, or attempt to negotiate or compromise the matter directly with any party represented by a lawyer, except through such lawyer."

and therefore the lawyer would be in breach if the cheque was sent directly to the borrower. If there not be any controversy, your Committee is of the opinion that there would be no breach in following the bank's instructions but, as a courtesy, the lawyer should inform the borrower's solicitor of these instructions.

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE—

Mr. H. E. Harris

Your Committee met on Thursday, the 13th day of September, 1973, the following members being present: Messrs. Harris (Chairman), Seagram (Vice-Chairman), Carley, Grange, Borins, Maloney and Wallace, and Miss A. R. McCormick. Messrs. Henderson and Morden also attended.

GREAT LIBRARY

ACCOUNTS

Expenditures by the Great Library up to the 31st August, 1973, were *approved.*

GIFTS AND DONATIONS

The following donations have been received:

Mrs. B. Harper Bull, Brampton: Seager's Criminal proceedings before Magistrates and Justices of the Peace, 3rd ed. Toronto, Canada Law Book, 1930.

W. G. Gray, Q.C., Toronto: 19 Bound volumes of the Revised Statutes of Canada, 1952, and of Ontario, 1950 and 1960.

Maurice A. Green, Toronto: 10 Bound volumes of All England Law Reports, 1965-1967, and one text book.

Messrs. McMaster, Montgomery, Toronto: 58 Bound volumes of the Statutes of Canada from 1840/44 to 1866, and of Ontario from 1867/68 to 1894, including various Revisions.

Ministry of the Attorney General, Board of Negotiation, Toronto: 22 Bound volumes of the Revised Statutes of Ontario, 1970 and the Regulations of Ontario, 1970, as well as 8 paper bound volumes of various government documents.

Messrs. Osler, Hoskin & Harcourt, Toronto: 50 Bound volumes of the Statutes of British Columbia, Nova Scotia and Quebec for various years from 1942-1966.

Noted

GREAT LIBRARY HOURS

The Committee discussed the possibility of keeping the Great Library open continuously from 9:00 a.m. to 10 p.m. After a discussion the Committee *approved* of the new hours for the Great Library.

LAND COMPENSATION BOARD REPORTS

Permission has been given by the Chairman of the Land Compensation Board, Mr. J. S. Yoerger, Q.C., to index reports by the Board for inclusion in the Index to the Ontario Municipal Board Decisions prepared by the Great Library.

Approved

COUNTY LAW LIBRARIES

ANNUAL GRANTS

Essex County Law Association has submitted its annual return for the year 1972. The amount of the grant which it should receive under the Regulations in 1973 and that which it received in 1972 are as follows:

	1972		*1973*
			$2,000.00
Essex		Less 10%	200.00
	$2,000.00		$1,800.00

Approved

REPORTING

CRIMINAL APPEAL RULES

Your Committee approved of publication of a notice in the Ontario Reports setting out the recent amendments of the Criminal Appeal Rules.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 13th day of September, 1973, the following members being present: Mr. Strauss, Chairman, and Messrs. Cass, Chappell, Cooper, Fennell, Henderson and Trepanier.

Two files were referred to Counsel for investigation and opinion. One file involves a non-solicitor in Toronto who appears to have acted for some one charged with an indictable offence under the Criminal Code. The others involves a non-solicitor in Northern Ontario acting on real estate transactions.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

PUBLIC RELATIONS COMMITTEE—Mr. Henderson

Your Committee met on Thursday, September 13th, 1973, the following members being present: Mr. Henderson, Chairman, and Messrs. Krever, Morden, Pattillo and Wallace. Mr. Robert Smylie of R. T. Smylie & Co. Ltd. attended at the Chairman's invitation.

1. *Mary Schneider Prints*

Convocation has approved a recommendation that the drawings of Osgoode Hall prepared by Mary Schneider be sold in portfolios of four at a price of $25. The Committee considered whether individual prints should be made available and recommends that a price on individual prints be set by the Chairman and the Secretary if there is a demand for them.

2. *Legal Aid Committee*

The Committee noted the success from a public relations point of view of the meeting of the Legal Aid Committee held in North Bay and suggests that consideration be given to arranging for meetings of Committees and possibly of Convocation in other centres in Ontario from time to time.

3. Mr. Smylie informed the Committee that the Ontario Branch of the Canadian Bar Association intends to publish a list of members of the Association who are prepared to speak on various legal subjects. He suggested that the Society join as a co-publisher of the list and include in it the names of Benchers able to speak on subjects within the Society's jurisdiction.

4. Mr. Smylie also advised the Committee that the Ontario Section of the Canadian Bar Association is planning courses on the law and the legal system to be made available to schools. Your Committee recommends that the Society's representative at the meeting of the Public Relations Committee of the Ontario Branch of the Canadian Bar Association co-operate with the Association with respect to its plans for such courses.

THE REPORT WAS ADOPTED

LEGISLATION AND RULES COMMITTEE—Mr. Pattillo

Your Committee met on Tuesday, September 11th, 1973, the following members being present: Mr. Pattillo, Chairman, Mr. Cory, Vice-Chairman, and Messrs. Chappell, Common and Morden.

1. Convocation approved a recommendation of the Legal Education Committee that Rule 50 be amended to provide that fines levied on student members under Rule 50 not exceed a maximum of $100. Your Committee approved the wording of an appropriate amendment to Rule 50 and directed the Secretary to arrange for its printing and distribution.

2. *Ex-officio Benchers — Voting Rights*

Your Committee was asked to consider a motion made in Convocation that the Society request the Legislature to amend the Law Society Act as may be necessary to restore to all ex-officio Benchers the same right to vote in Convocation and in Committees as is now enjoyed by elected Benchers and an amendment to that motion that the right to vote by Life Benchers be limited to the following:

(a) Sitting on Discipline Committees, provided they do not form a majority either of the panel of the Discipline Committee hearing a discipline matter or the Discipline Committee as a whole;

(b) A right to vote on those discipline matters where they have sat as a member of the hearing Committee;

(c) To vote on all motions arising out of the work of any special Sub-Committee to which they have been appointed by the Treasurer.

Your Committee asks Convocation for a clear policy decision before it attempts to draft an amendment to the Law Society Act.

3. Your Committee recommends that as a general rule changes in the Rules, Regulation and the Law Society Act should be published and distributed to the profession each year between the regular June and September Convocations.

It was moved by Mr. H. E. Harris, seconded by Mr. Cass, that the Legislation and Rules Committee be asked to draw amendments to The Law Society Act to delete subsections (2) and (3) of Section 12. This was *lost.*

It was moved by Mr. Cory, seconded by Mr. Cartwright, that the amendment should not include the right to vote in committee. This was *lost.*

THE REPORT WAS RECEIVED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on Thursday, the 13th day of September, 1973, the following members being present: Mr. Sheard, Chairman, and Messrs. Cass and Pepper.

LAWYERS FROM UGANDA: A letter has been received from Joseph A. Beechie regarding the difficulties encountered by lawyers and their families who have been expelled from Uganda. He asks whether the Fund could be used to assist these members of the profession.

Your Committee recommends that Mr. Beechie be advised that Ugandan lawyers do not come within the terms of the bequest.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON MUNIMENTS AND MEMORABILIA—Mr. Gray

Your Committee met on Thursday, the 13th of September, 1973, the following members being present: Mr. Gray, Acting Chairman, Mr. Beament and Mr. Honsberger, Curator.

Your Committee has received an enquiry from the solicitors of Mr. Stuart D. Armour concerning the portrait by Sir Wyly Grier of his grandfather, The Honourable John Douglas

Armour. Last year your Committee recommended, and Convocation approved, that this painting be given to Mr. Armour on the understanding that he in turn give it to the Society for the Restoration of Victoria Hall in Cobourg. The Society for the Restoration of Victoria Hall in Cobourg will disband when its work has been accomplished. In view of this Mr. Armour has bequeathed the portrait to the Cobourg Art Gallery (which is to be relocated in Victoria Hall) or any successor organization so long as it is willing to display it in the restored court room of Victoria Hall. Mr. Armour has also added the proviso that if for any reason it is not possible to display the portrait in the restored court room of Victoria Hall, it is to be delivered to his daughter, if living, and if she is not then living, to his eldest issue then living. He now enquires as to whether or not the Society has objections to his dealing with the portrait in the above manner.

Your Committee recommends to Convocation that the Society agree to Mr. Armour's dealing with the portrait in the manner described.

PRESENTATIONS

Mrs. A. E. Hatch of Toronto, formerly Hazel R. Loveys, secretary to the Supreme Court Judges, 1922-1935, presented the following items: two cards handed out by Sir William Mulock on the occasion of his 100th birthday and a metal plaque handed out by Sir William Mulock at about the time of his 100th birthday.

His Honour Judge Edward Shortt of Perth, Ontario, presented two copies of "The Memorable Duel at Perth" which is a brief account of the career of The Honourable John Wilson, Judge, Common Pleas, 1863-1869.

Mrs. L. M. Johnston of Toronto presented a walnut swivel desk chair which once belonged to The Honourable Mr. Justice John Miller McEvoy, Supreme Court of Ontario.

Mr. D. B. Caswell of Willowdale, a nephew of Mr. George S. Dudley, Solicitor, who died in 1961, presented a picture of the Graduation Class of 1916, Osgoode Hall, taken at the 35th anniversary dinner in October 1951 and Easter Examination papers, 1917, Law Society of Upper Canada. Mr. Dudley apears in the photograph.

The firm of Weir & Foulds, Toronto, presented several newspaper clippings relating to the death of George Ferguson Shepley, K.C., in 1916. Mr. Shepley was Treasurer of the Law Society from 1913 to 1916.

Mr. Leo Bernier, Minister of Natural Resources, Government of Ontario, presented a copy of "Questions and answers on the Final Examinations of the Law Society 1890".

Solicitor Hartley R. Nathan of Toronto presented a photograph of the Justices of the Supreme Court of Canada in 1898.

"Rules of the Law Society" and other material published in 1833, once the property of The Honourable Leslie M. Frost, were presented by The Honourable Mr. Justice John Arnup.

Noted

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON CLINICAL TRAINING IN LAW SCHOOLS—Mr. Cory

Your Committee composed of Messrs. Cory (Chairman), Borins, Cooper, Grange and Griffiths met on several occasions with the Deans or the Deans' representatives of the law schools and considered the present scope and future prospects of clinical training to ascertain if it could in part replace training under articles.

I Present Status of Clinical Training

All the law schools in the province have indicated an increasing interest in providing clinical training for law students. By the academic year 1973-74, all the law schools hope to have in operation either a clinical training course or at least a course involving a substantial element of clinical training.

The concept of clinical training is very broad. It encompasses everything from the Parkdale office to a more limited scheme of clinical training forming an integral part of a course; for example, a family law course where the clinical work is carried on at Family Court with the assistance and guidance of the judge. Most of the present or proposed courses last a full semester and are fully accredited.

II Academic Content

The schools were unanimous in their opinion that clinical training must contain a strong academic element. For example, in Parkdale the students are required to attend regular seminars conducted by Professor Zemans and other faculty members. At these seminars students review their cases and problems and relate their experiences in the "lawyering process" to their school courses. It seems clear that the law schools will quite properly consider the seminar work involving full-time members of their faculty to be an integral and essential part of any clinical training program.

Perhaps because of the faculty requirements for clinical training combined with the necessity of the schools to seek out members of the profession and, in some instances, of the judiciary to assist in their clinical training programs, these programs to date have been restricted in their size. The numbers in any one course would not exceed 22 to 25 students who may devote their time to the clinical course for a full semester. It is apparent that the cost to the law schools of operating clinical programs is a limiting factor. The clinical semester (one half of the academic year) invariably takes place during the second or third year of the law school course.

III Benefits of Articling Training that might be obtained through Means of Clinical Training

The current problems of articling, particularly the unevenness of the articling experience for students and the deleterious effect of the ever increasing number of students are clearly outlined in the Report of the Special Committee on Legal Education.

It was felt that there are two great advantages to articling. Firstly, the training and guidance in the professional responsibility owed by a lawyer to his client, the judiciary and other members of the profession, and the ethics involved in the day-to-day work of a lawyer.

Secondly, the practical training given, including interviewing clients and identifying problems, the preparation of documents, briefs and opinions that are subject to speedy review and criticism or praise.

IV Concepts of Clinical Training Explored with the Law Schools

In a very informal way, the question of a broad clinical training program to be conducted by the law schools was discussed with them.

It was suggested that such a program might encompass most of the subjects covered in the Bar Admission Course. For example, a number of students might attend in a practising solicitor's office for a period of approximately two weeks. During that time the student would be the responsibility of a lawyer or firm and receive training in a particular field of law. The lawyer or firm might be confirmed by the Law Society as approved for training students.

At the conclusion of the office training period, the student would return to the university for a period of seminars conducted by a faculty member who might cover the field dealt with by the practising lawyer. In fact, the Bar Admission curriculum in the subject might be covered and the Bar Admission examination written. The students would then move to another office and repeat the process.

If the student obtained a passing grade in the Bar Admission Course examination in the subject, he might be excused from taking the Bar Admission Course as we presently know it and at the very least from taking those subjects he has successfully completed in the clinical training program. Obviously there would be difficulties to overcome. The number of courses taken would be governed by the length of the program. Bar Admission subjects not covered by the clinical program might be completed in other ways. All these matters would have to be reviewed by the Law Society when it considers clinical training programs.

V *Difficulties Arising from a Compulsory Clinical Training Program*

The law schools pointed out that a compulsory period of broad clinical training along the lines outlined in IV above would have the following adverse effects on the law schools:

(a) a reduction in the time available in the present curriculum for teaching;

(b) restrictions would be imposed on those students who wished to pursue a particular field of law in depth;

(c) clinical training would unduly interfere with those students who wished to enter government service or undertake a form of practice that was not traditional;

(d) the local bar, particularly at Windsor and Kingston, might not be large enough to support a program as discussed in IV above;

(e) the costs of such a program might well be exorbitant even if practitioners donated their time to the program. Additional faculty members would be required to assist in the training and the inevitable administrative problems would require additional staff as well;

(f) that the objects of the broad type of clinical training would be achieved in the schools by means of:

  (i) including more problem-solving contents in courses by means of simulated problems;
  (ii) providing client exposure through small clinical training programs;
  (iii) including problems regarding professional responsibility as they pertain to particular courses.

(g) that it would require at least a year for law schools to take the necessary steps through their universities to institute any type of broad clinical training program.

VI Law School Clinical Training Experimental Programs

All the law schools indicated that they were in the process of reviewing their clinical training programs and that very possibly they might consider expanding them.

The dean and faculty member from one law school expressed strong interest in conducting a pilot project in clinical training.

The project, involving some 20 students, would run from the end of the third-year law school in May, to the middle or the end of September. The school would enlist the assistance of responsible practitioners and law firms.

The practising lawyer would take in groups of students for a period of two weeks. During this time, his prime responsibility would be the instruction and training of the students in a particular field of law. At the conclusion of the office period of training, there would be a series of seminars and lectures covering the present Bar Admission Course curriculum in the subject. At the conclusion of each training period the student would write the Bar Admission Course examination.

VII Conclusions and Recommendations

Clinical training is obviously appealing to the law schools and will play an increasingly important role in legal education. It may, at some time in the future, provide an alternative to a period of articling and, in some subjects, to the Bar Admission Course as well. If operated under the auspices of the law school, it could ensure a relatively even tenor of training and an excellent blend of the practical and academic. The training would be decentralized, well supervised and answer many of the current problems of articling.

However, at least for the period of the next two years, it would be impossible to establish a clinical training program which would either substitute in part for articling training, or serve as a useful adjunct to the Bar Admission program.

Further, at the present time great difficulties would be encountered by some schools in attempting to institute a broad clinical training program during the law school teaching period.

It is recommended that pilot projects in clinical training should be carefully considered by the Law Society and that every assistance and co-operation ought to be given to the law schools in conducting their experimental programs.

Any policy formulated for the Bar Admission Course should be a flexible one. The Course ought to be open to variation and experimentation so that a graduate from the clinical training course would not be penalized or required to spend any unnecessary time in the Bar Admission Course.

Although legal education is now compartmentalized through the law school course, articling and the Bar Admission Course, it is recognized that all the segments of the program are directed towards providing the public with well trained, competent and responsible lawyers. As far as practicable, all aspects of legal training should be as closely integrated as possible to achieve that goal.

THE REPORT WAS RECEIVED

CONVOCATION ADJOURNED FOR LUNCHEON AT 12:30 P.M.

The Treasurer and Benchers had as their guest at luncheon Dr. Reva Gerstein, Chairman of the Committee on University Affairs.

CONVOCATION RESUMED AT 2:20 P.M.

DISCIPLINE COMMITTEE

Lengthy consideration was given to a disciplinary matter which is still before Convocation.

CONVOCATION THEN ROSE AT 4:45 P.M.

Read in Convocation and confirmed this 19th day of October, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 19th October, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Carley, Carthy, Cartwright, Cass, Common, Cooper, Cory, Evans, Fennell, Finlayson, Goodman, Grange, Gray, H. E. Harris, Howland, Krever, Levinter, Lochead, Maloney, MacKinnon, O'Brien, Pallett, Pattillo, Pepper, Seagram, Sheard, Strauss, Thom, Trepanier, Wallace, White and Zahoruk.

The Minutes of Convocation of 21st September, 1973 were read in Convocation and confirmed.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 11th day of October, 1973, at 2:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Cass, Cory, Griffiths, Krever, Sopha, Thom and White.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments: It is recommended that the following appointments be approved for the 1973/74 teaching term of the Bar Admission Course:

(a) *Income Tax*: Arthur R. A. Scace to continue as head of this section and the following instructors to either continue or be appointed: H. J. Alpert (new), R. Appleby, J. C. Armstrong (new), F. A. Baker, A. H. Clairman, G. E. Cooper, L. G. Dollinger (new), D. S. Ewens, Neil Harris (new), Miss Heather Henderson, Earl Miller (new), R. P. Miller (new), M. A. Morgan, D. C. Nathanson, J. S. Peterson (new), T. Pilling (new), E. J. Richardson (new), A. M. Schwartz, W. S. R. Seyffert, J. D. Sharples, W. E. Shaw (new), B. F. Shostack, S. M. Sigel, D. W. Smith, S. C. Smith, J. M. Solursh, J. M. Spence, S. Spiro, T. A. Sweeney, R. B. Thomas (new), J. G. Ware (new), T. J. Weiss (new), R. G. Witterick, T. H. Young.

Approved

(b) *Law Office Organization and Procedures*: Norman MacL. Rogers, Q.C., to continue as head of this section and the following instructors to either continue or be appointed: B. S. Arbus (new), J. D. Bogard (new), R. L. Butters, Donald Cameron, R. H. Clark, Robert Doran (Office Manager), Marvin D. Goldblatt (Office Manager), S. T. Goudge (new), J. P. Hamilton, R. S. Hart (new), C. D. Macdonald, H. A. Malcolmson (new), H. D. Marks (new), W. C. McCordic (new), E. A. McNeill, R. P. Miller, F. J. C. Newbould, C. K. Overland (new), J. G. Parkinson, Q.C. (new), M. P. S. Spearing (new), R. F. Stephenson, A. A. Strauss, Q.C. (new), J. J. Wardlaw, Q.C. (new), M. W. Zwicker (new).

Approved

Destruction of Examination Answer Booklets

We request permission to destroy the examination answer booklets for the 14th teaching term which ended in February 1973. Permission was granted on a similar request last year except for the answer papers of those students who were repeating their year. It is recommended that permission be granted on the same terms this year. *Approved*

H. W. Shuttleworth

This candidate was required to take the 1972/73 teaching term in order to be readmitted to membership of the Law Society but he failed to reach a passing grade. On August 24th, 1973, he requested permission to enter the 1973/74 teaching term and his request was referred to your Committee. It was directed that Mr. Shuttleworth be permitted to attend the teaching term pending the Committee's decision. He is attending classes and the matter is referred to your Committee for its instructions.

Your Committee recommends he be permitted to continue in the teaching portion of the Bar Admission Course.

SPECIAL PETITIONS

Your Committee considered three petitions for permission to defer entering the teaching portion of the Bar Admission Course. One petitioner wished deferment for two years to pursue studies at the University of Montreal. The other two petitioners sought deferment of one year — one because of pregnancy and the other for financial reasons. All three petitions were approved.

Your Committee considered a petition for permission to vary the terms of service under articles. The petitioner had been invited to compete in certain international track and field competitions and had been selected to represent Canada at the British Commonwealth Games in 1974. Your Committee approved his petition.

REPORT OF SUB-COMMITTEE CONCERNING UNIVERSITY OF OTTAWA SPECIAL LL.L.-LL.B. PROGRAM

Your Committee had before it the following Report of the sub-committee:

> "At the meeting of the Legal Education Committee held on the 12th of October 1972 your sub-committee was appointed to consider and report on the request of the Faculty of Law, University of Ottawa, for permission to be granted to the graduates of its special LL.L.-LL.B. program for admission to the Ontario Bar. The constitution of your sub-committee is as follows: Mr. Borins, Chairman, and Messrs. Carley and Cass.
>
> As a result of correspondence received from Thomas G. Feeney, Esq., Q.C., Dean of the Faculty of Law, University of Ottawa, the Secretary of the Law Society wrote to the Deans of other Canadian law schools requesting their opinions with regard to the matter raised by Dean Feeney. Letters have been received from some of the law schools in Canada and your sub-committee has had the benefit of studying these replies.
>
> Dean Feeney has advised the Law Society that a special LL.L.-LL.B. program has been developed pursuant to which the school permits a regular second year student of the Civil Law Section to begin the study of Common Law in the Common Law Section of the Faculty of Law by completing four Common Law courses while a second and third year Civil Law student. Thereafter, to complete the special program a student must, after receiving his LL.L. degree, become a regular full-time student in the Common Law section gaining credit for the balance of the courses in the Common Law Section which it is felt one must have in order to qualify for the LL.B. degree. This requires the students to take a final full-time fourth year in the Common Law Section. Therefore, in order to obtain the joint LL.L.-LL.B. degree a student must attend for four years, the first year being solely in the Civil Law Section, the fourth year being solely in the Common Law Section, and the second and third years being in the Civil Law Section but during which a student is required to take four Common Law courses.

Your sub-committee is of the opinion that the problem created by this program is that there are some students who have been admitted to the first year of the Civil Law Section who would not, pursuant to resolutions passed by Convocation, be eligible for admission to the Common Law program. Specific reference is made to students in the Province of Quebec where, for all practical purposes, the undergraduate three year B.A. course has been dispensed with in favour of a two year diploma program in new post-secondary institutions in that province known as Colleges of General and Professional Education. Graduates from this two year program are, under the Regulations of the Quebec Bar, acceptable for admission to the law faculties in that Province, including the Faculty of Law, McGill University, and the Civil Law Section of the Faculty of Law, University of Ottawa. Thus, for the purposes of admission to the Ontario Bar, students in the joint LL.L.-LL.B. program have not met the requirements of the Law Society of Upper Canada as they have not obtained a university degree prior to obtaining a law degree, or successfully completed two years of a B.A. course at an approved university.

Your sub-committee is of the opinion that the basic issue is whether a student who has received a diploma from a College of General and Professional Education may be said to enjoy the same status as a student who has successfully completed two years of a B.A. program in an approved university. (It is conceded that such students do not enjoy the same status as students who have obtained a university degree.) Dean Feeney submits that since graduates of Colleges of General and Professional Education are eligible for admission to the faculties of law in the Province of Quebec and the Civil Law Section of the Faculty of Law, University of Ottawa, pursuant to Regulations passed by the Bar of the Province of Quebec, they should also be eligible for admission to the LL.B. course given by the Faculty of Law, University of Ottawa. He further submits in support of his argument that such students, in order to be eligible for admission to the LL.B. course, must also have successfully completed the first year of the LL.L. Program at the Faculty of Law, University of Ottawa.

Your sub-committee respectfully recommends that the request of Dean Feeney should, at the present time, be refused. It appears to your sub-committee that the decision of Convocation requiring an applicant for admission to an approved Ontario law school to have either a university degree or to have successfully completed two years of a B.A. course taken at a university, deliberately reflects the opinion of Convocation that a certain minimal standard of pre-law education must be attained before one is eligible for admission. Without at least further information to enable your sub-committee to determine whether the education received in two years of attendance at a College of General and Professional Education is equal to that received in two years of a B.A. course taken at a university, to allow the request of Dean Feeney, at this time, would be to set a potentially dangerous precedent. In recent years the Province of Ontario (and other Provinces) has witnessed the expansion of community colleges. At present, one is not eligible for admission to any of the approved law schools in Ontario upon graduation from a community college. It would appear that community colleges in Ontario and Colleges of General and Professional Education in Quebec are roughly similar and that to permit graduates of Colleges of General and Professional Education to be eligible for admission to Ontario law schools would logically lead to graduates from Ontario community colleges seeking the same privilege. Your sub-committee does not foreclose, however, a reconsideration of the request of Dean Feeney, upon receipt of further evidence regarding the quality of education received in Colleges of General and Professional Education. Furthermore, it is the opinion of your sub-committee that to accept such graduates might also lead to Ontario students seeking to circumvent the present requirements by attending Colleges of General and Professional Education in the Province of Quebec. Your sub-committee wishes to add that at least one Ontario university, the University of Western Ontario, for purposes of admission or transfer to that university considers a diploma from a College of General and Professional Education to be the equivalent of one year of university study at Western.

Your sub-committee is of the opinion that the matter can also be approached in a somewhat different manner. A graduate from a College of General and Professional Education may fairly be said to have the equivalent of one year of university following grade 13 in Ontario. If Convocation were to approve the admission of a graduate of the College of General and Professional Education into the Common Law program at the Faculty of Law, University of Ottawa, it would then become impossible for Convocation to continue to insist upon the requirement that those seeking admission to approved law schools in Ontario must successfully complete two years of a B.A. program in an approved university. Therefore, your sub-committee is of the view, that a possible solution to the problem presented by the request of Dean Feeney might be to require those holding a diploma from a College of General and Professional Education to successfully complete one year of a B.A. program in an approved university.

Accordingly, your sub-committee recommends that the request of Dean Feeney should not be approved."

Your Committee recommends that the Report of the sub-committee be adopted.

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 11th day of October, 1973, at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Beament, Cartwright, Grange, Lochead, MacKinnon, Seagram, Sopha and Thom.

CALL TO THE BAR AND CERTIFICATE OF FITNESS

TRANSFER FROM ANOTHER PROVINCE

The following candidate, having passed the examinations set by the Examining Board, filed the necessary documents and paid the required fee of $416, now applies for Call to the Bar and to be granted a Certificate of Fitness:

Ross Bennett Albert Pope, Alberta

Approved

SPECIAL

The following candidates, having filed the necessary papers, complied with the requirements of the Admissions Committee in their particular case and paid the required fee of $200, are now entitled to be Called to the Bar and to be granted a Certificate of Fitness:

George William Adams: Special, Faculty of Law Osgoode Hall Law School.

Bruce Knyvet Arlidge: Special, Faculty of Law University of Ottawa.

Roger Glyn Bailey: Special, Faculty of Law University of Windsor.

David Munro Beatty: Special, Faculty of Law University of Toronto.

Brian Delby Bucknall: Special, Faculty of Law Osgoode Hall Law School.

Bernard James Davies: Special, Faculty of Law University of Windsor.

Alan Grant: Special, Faculty of Law Osgoode Hall Law School.

John McGillvray Johnson: Special, Faculty of Law Queen's University.

John William Taylor Judson: Special, Faculty of Law University of Western Ontario.

Norman May: Special, Faculty of Law Osgoode Hall Law School.

John Douglas McCamus: Special, Faculty of Law Osgoode Hall Law School.

John Peter Somerset McLaren: Special, Faculty of Law University of Windsor.

John Craig Paterson: Special, Faculty of Law University of Windsor.

Approved

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 79 candidates, having complied with the relevant Regulations paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course, as of September 1, 1973. Of this number 77 (including one Quebec solicitor and a Scottish graduate with approved academic attainments) applied under Regulation 26(5); the other two applied under former Regulation 7.

Approved

COMMONWEALTH TRANSFER

Your Committee had before it a letter from an applicant for transfer from a Commonwealth country who had twice written the comprehensive examination and twice been unsuccessful. The applicant asked to be granted pass standing or permission to write the examination for a third time. He attended before your Committee and made additional oral submissions.

Your Committee recommends that his request be *refused*.

FULL-TIME MEMBER OF THE FACULTY OF APPROVED LAW SCHOOL

The following member of an approved law faculty asks to be Called to the Bar and admitted as a solicitor without examination under Regulation 9 respecting full-time members of approved Law Faculties in Ontario upon payment of a fee of $200.00. A letter confirming his eligibility has been received from the dean of the relevant law school.

> Tung-pi Chen: LL.B. (University of Taiwan 1959); Master of Comparative Law (Columbia University 1963); LL.M. (Yale University 1965); Doctor of Juridical Science (Yale University 1968).

Approved

REGULATION

1. *Discretion*

At its meeting on the 11th of September the Legislation and Rules Committee had before it a request from this Committee to consider providing some discretion in the Regulation relating to Admission matters. The Legislation and Rules Committee asks this Committee to recommend a policy to Convocation before it undertakes to draft an amendment to the Regulation. More particularly, the Legislation and Rules Committee needs to know whether the discretion is to be unfettered or subject to limitations.

Your Committee recommends that the matter be referred for consideration and report to a sub-committee composed of Mr. Stuart Thom as Chairman and Messrs. Finlayson and Grange.

2. *Delayed Applications*

The Legislation and Rules Committee also had before it a motion made in Convocation that the practice of requiring approval of applications to enter the Bar Admission Course by those who have been two years or longer out of law school be referred to the Legislation and Rules Committee. The Committee asks the Admissions Committee to recommend a policy to Convocation.

Your Committee recommends that this matter be referred for consideration and report to the sub-committee composed of Mr. Stuart Thom as Chairman and Messrs. Finlayson and Grange.

FEDERAL DEPARTMENT OF JUSTICE—CRIMINAL PROSECUTORS—MEMBERSHIP IN THE ONTARIO BAR

S. F. Sommerfeld, Esq., Director, Criminal Law Section of the Department of Justice, has written to the Society proposing that members of his Department acting as prosecutors in Federal criminal matters be permitted to appear in the Courts of Ontario without being members of the Bar of Ontario or, alternatively, that they be called to the Bar of Ontario for the limited purposes required by their appointment on the understanding that their membership would continue only so long as the individual concerned was employed as a prosecutor in the Criminal Law Section of the Department. The question arises at this time because the Department is experiencing some difficulty in recruiting suitable members of the Bar of Ontario.

Your Committee recommends that Mr. Sommerfeld be advised of the Transfer Regulation.

THE REPORT WAS ADOPTED

RE: HARALD JOSEPH MATTSON — APPLICATION FOR READMISSION

Mr. Mattson was called to the Bar and admitted as a solicitor in 1958. In January 1970 he was permitted to resign his membership in the Society. He applied to be readmitted and Convocation, after considering a Report of the Admissions Committee, granted the application upon certain undertakings being given. Mr. Mattson was represented by Mr. Coulter Osborne before the Admissions Committee and Convocation.

FINANCE COMMITTEE—Mr. Beament

Your Committee met on Thursday, the 11th day of October, 1973, at 3:00 p.m., the following members being present: Messrs. Beament (Vice-Chairman in the Chair), Cartwright, Fennell, H. E. Harris, Levinter, MacKinnon, Pepper, Thom and Trepanier.

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

Roy Edward Bogusky, Dryden	Called—21 March 1969 Appointed Provincial Judge, Criminal Division, District of Kenora—5 September 1973
Gordon Patrick Killeen, Q.C. Ottawa	Called—25 June 1959 Appointed County Court Judge, County of Middlesex—3 August 1973

Noted

Deaths

The following members have died:

Anson Hainsworth Foster, Q.C., California (Honorary Life Member)	Called—6 February 1914 Deceased—15 August 1973
George Stewart Webb, Q.C., Toronto (Life Member)	Called—20 October 1921 Deceased—18 September 1973
John Doran McNamara, Thorold	Called—17 June 1937 Deceased—20 September 1973
John Judah Glass, Toronto	Called—5 February 1920 Deceased—21 September 1973
Harold Bruce Turville Hough, Windsor	Called—16 September 1926 Deceased—14 September 1973
John Donald Burwell, Chatham	Called—19 March 1936 Deceased—15 September 1973

Noted

MEMBERSHIP UNDER RULE 50

Sydney Winkler, Q.C., of Toronto requests consideration of his application to continue his membership in the Society at a reduced annual fee of $25. Mr. Winkler is 66 years of age and will be retiring as Public Trustee on the 31st of October 1973.

Approved

LIFE MEMBERS

Pursuant to Rule 49, the following are eligible to become Life Members of the Society during 1973:

	Name	*Address*	*Date of Call*
1.	Anglin, Robert Edmund, Q.C.	Toronto	13 Sept. 1923
2.	Aylesworth, The Hon. John Bell, Q.C.	Toronto	21 June 1923
3.	Bawden, Henry Norman, Q.C.	Gormley	25 May 1923
4.	Beck, Stanley Hall	Toronto	25 May 1923
5.	Bristow, Horace George, Q.C.	Toronto	21 June 1923
6.	Burnese, Albert Oscar Llewellyn, Q.C.	Scarborough	18 Jan. 1923
7.	Common, William Belmont, Q.C.	Toronto	25 May 1923
8.	Cooper, William Wallace, Q.C.	Hamilton	18 Oct. 1923
9.	Davis, Wilfrid Orlando, Q.C.	Burlington	22 Nov. 1923
10.	Deacon, Thomas Reginald, Q.C.	Toronto	21 June 1923
11.	Dean, Enoch George Percy, Q.C.	Toronto	18 Oct. 1923
12.	Denberg, Dan Solomon	Toronto	13 Sept. 1923
13.	Dunbar, Angus Charles, Q.C.	Guelph	13 Sept. 1923
14.	Fraser, Walter Hugh	Hamilton	18 Oct. 1923
15.	Gordon, Willard Meredith, Q.C.	Toronto	21 June 1923
16.	Graham, Arnold Kingsley, Q.C.	Toronto	8 Feb. 1923
17.	Humeniuk, Theodore, Q.C.	Toronto	13 Sept. 1923
18.	Johnston, Sydney Reid, Q.C.	Mississauga	25 May 1923
19.	Kerr, John Eddington, Q.C.	Toronto	13 Sept. 1923
20.	Keyes, Harold Watson, Q.C.	Toronto	18 Oct. 1923
21.	Langdon, Charles Vaughan, Q.C.	Toronto	25 May 1923
22.	Longmore, Darrell Ernest	Calgary	19 April 1923
23.	Lees, Charles Sydney, Q.C.	Hamilton	21 June 1923
24.	Major, William John	Toronto	22 Nov. 1923
25.	Manley, James Patrick, Q.C.	Toronto	13 Sept. 1923
26.	Martin, D'Arcy Argue Counsell, Q.C.	Hamilton	13 Sept. 1923
27.	Morrison, James Allen, Q.C.	London	13 Sept. 1923
28.	McDougall, Cornelius John, Q.C.	Cornwall	21 June 1923
29.	O'Flynn, John Dale, Sr., Q.C.	Belleville	18 Oct. 1923
30.	Robinson, John Beverley	Toronto	18 Oct. 1923
31.	Rosenberg, Henry Samuel, Q.C.	Toronto	13 Sept. 1923
32.	Sedgwick, Joseph, Q.C.	Toronto	25 May 1923
33.	Smyth, James Harold, Q.C.	Kitchener	13 Sept. 1923
34.	Sutton, Leonard Victor, Q.C.	Toronto	25 May 1923
35.	Tanner, John Eckert	Toronto	18 Oct. 1923
36.	Thompson, Charles Allen, Q.C.	Toronto	25 May 1923
37.	Torrance, Frederick William, Q.C.	Toronto	21 June 1923
38.	Waller, Albert Main, Q.C.	Hamilton	22 Nov. 1923

Approved

THE REPORT WAS ADOPTED

Mr. Gray, Chairman, presented the Report of the Finance Committee for its meeting on 12th October, 1973:

Your Committee met on Friday, the 12th day of October, 1973, at 10:00 a.m., the following members being present: Messrs. Gray (Chairman), Beament, Cartwright, Fennell, H. E. Harris, Howland, MacKinnon, Pallett, Pepper, Sheard and Thom.

BUDGET—1973-74

Your Committee considered in detail the estimates of the Standing Committees and the estimated general receipts and disbursements, approved the budget in principle, and recommended that the annual fees of members of the Society be increased by $15 to $135.

Your Committee recommends the Budget for 1973-74 which is before Convocation.

MUNIMENTS AND MEMORABILIA

Your Committee had before it a report from the Society's Architect respecting the possibility of air conditioning the area set aside for Muniments and Memorabilia, using the present equipment in the fan room providing air conditioning to the Law School. The installation is feasible and the following areas could be brought under the system as well: the Club Rooms on the third floor, Convocation Hall kitchen and extension, and the old class room on the ground floor. The installation would become part of any future air conditioning undertaken in the Society's buildings and could be made for an estimated cost of $8,000 to $10,000.

Your Committee recommends that the amount of $10,000 be included in the estimates of the Finance Committee for the year 1973-74 for this purpose, to be committed only upon the recommendation of the Building Committee.

THE REPORT WAS ADOPTED

MOTION—ANNUAL FEES 1973-74

It was moved by Mr. Gray, seconded by Mr. Beament, that the annual fees for membership in the Society for 1973-74 be $135.

Carried

CALL TO THE BAR

The following candidates were presented to the Treasurer and Convocation, were called to the Bar and the degree of Barrister-at-law was conferred upon them by the Treasurer:

Leslie Allan Stein
Ross Bennett Albert Pope
George William Adams
Bruce Knyvet Arlidge
Roger Glyn Bailey
David Munro Beatty
Brian Delby Bucknall
Bernard James Davies
Alan Grant
John McGillvray Johnson
John William Taylor Judson
Norman May
John Douglas McCamus
John Peter Somerset McLaren
John Craig Paterson

LEGAL AID COMMITTEE—Mr. Wallace

Your Committee met on Monday, the 1st day of October, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Barnes, Borins, Carley, Carthy, Cass, Chadwick, Cooper, Cory, Ferrier, Finlayson, FitzGerald, Grange, Killeen, A. W. Maloney, Morden, Trepanier and Wallace.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95(2) of the Regulation for the month of August, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 5 months ended August 31st, 1973.

(b) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off balances owing by contributing clients, pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by George E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of balances owing by contributing clients in the amount of $3,244.91.

(c) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off client recoveries, pursuant to Section 98(2) of the Regulation.

These write-offs were reviewed and approved by George E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of client recoveries in the amount of $9,957.66.

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the 3 months ended August, 1973.

(b) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the 3 months ended September, 1973.

AREA DIRECTORS—PROPOSED ATTENDANCE AT LEGAL AID COMMITTEE MEETINGS

Your Committee considered the suggestion that each month two of the 46 Area Directors be invited to attend the regular monthly meetings of the Committee. This would mutually benefit the Area Directors and the Committee members.

In view of the importance of this suggestion, the Committee recommended that a sub-committee be appointed to consider whether Area Directors should, in fact, be invited or whether the Legal Aid Committee should consider moving to various areas in the Province and inviting Area Directors plus members of the Bar to attend.

Because of the heavy agendas, the sub-committee has also been requested to determine whether more than one Legal Aid Committee meeting should be held each month.

The sub-committee consists of the following:

R. E. Barnes, Q.C.
John O. Trepanier, Q.C.
Professor S. Borins
R. H. Carley, Q.C.

SUB-COMMITTEE RE PSYCHIATRIC HOSPITAL PATIENTS WELFARE ASSOCIATION

In correspondence dated October 4, 1972, the Legal Aid Committee was requested by the Ministry of the Attorney General to comment on a brief from the Psychiatric Hospital Patients' Welfare Association.

The brief in question suggested that duty counsel be deployed in Ontario psychiatric institutions to acquaint citizens detained therein against their will with their legal rights under the Mental Health Act. The Association noted that persons involuntarily committed to a mental institution are in a position analogous to a person charged and detained in criminal matters.

The Committee was specifically requested to ascertain the extent of the commitment which would be required by Legal Aid to accommodate the Association's request before any decision on the matter is taken by the Government. The Committee was also asked to explore alternative means of providing this service, including the potential use of students.

The sub-committee appointed to consider this matter consisted of the following:

G. E. Wallace, Q.C., Chairman
R. W. Cass, Q.C.
Austin Cooper, Q.C.
Isadore Levinter, Q.C.
John W. Morden
Peter deC. Cory, Q.C.

In May 1973, Convocation approved a report dated April 3, 1973 submitted by G. E. Wallace, Q.C., Chairman of the sub-committee. The report was forwarded to the Attorney General.

In August 1973, the Attorney General elicited further comment on the following three matters:

(a) a suggestion from the Ministry of Health that duty counsel be required to attend a course designed to familiarize them with the function of psychiatric facilities prior to undertaking service in such facilities,

(b) a suggestion by the Deputy Attorney General that law students not be used during the initial stages of the proposed programme,

(c) the position of the Ministry of Health suggesting limited, rather than full, disclosure of patient information to duty counsel.

Your Committee has now approved the following supplementary report submitted by Mr. Wallace in answer to the above-noted three matters:

"The sub-committee appointed to make recommendations with reference to the Psychiatric Hospital Patients Welfare Association Brief met on Friday, September 7th, 1973, to consider those further matters upon which comments were requested by the Ministry of the Attorney General by letter dated August 17th, 1973.

After careful consideration, the sub-committee reached the following concensus on the areas of concern referred to in the correspondence from the Ministry:

1. *Re: Joint Educational Programme*

   This sub-committee was of the opinion that any arrangement for such joint educational opportunity should be encouraged and approved. The same might be made available in each city where an Ontario Hospital exists prior to the commencement of the service and that preferably this should take place at a meeting of the local Law Association to which the whole Bar has been invited. The course might also be repeated from time to time as personnel changed, but it is the opinion of the sub-committee that the attendance at such course should not be a requirement that would bar lawyers who have not received the same from acting on the panel. It was felt that such a requirement could create problems in maintaining and administering the service between courses and could prevent interested lawyers from participating.

   The sub-committee was also satisfied that if such course took place at a general meeting of the County or District Association, the material would be available to the whole Bar and any new member of the panel could thereafter be sufficiently briefed by the local director and other members of the panel before commencing his duties.

   The sub-committee was also of the opinion that the involvement of the whole Bar resulting from the presentation being made at an association meeting would be preferable to giving the course to the few who might attend elsewhere to participate.

   The sub-committee was of the opinion that a booklet might be prepared jointly by the Ministry of Health and the Legal Aid Committee for the guidance of lawyers acting on the panel dealing with matters of special concern and including the material presented in the Educational Programme.

2. *Re: The Use of Law Students*

   The sub-committee in its original report did not contemplate the use of law students except when accompanied by a lawyer who was operating as duty counsel.

It was of the opinion, and still is, that interested law students should be allowed to attend with the lawyer on the panel to assist in securing the background information relative to the matters on which advice was being requested. This would be of value to the student and would also create an interest that could ensure the number of lawyers participating could be maintained.

3. *Re: Disclosure or Limited Disclosure*

The sub-committee appreciates the concern of the Ministry of Health with respect to the disclosure of information from hospital records and has noted that it is conceded that disclosure of information "relevant to the legal issue should be made". However, the determination of what is relevant, and by whom such decision would be made, in such "limited disclosure" procedure raises a problem of fundamental importance.

The sub-committee was of the opinion that full disclosure of the records of the patient was essential and that any limitation imposed thereon would be a violation of the basic rights of the patient and would prevent counsel from properly performing his duties.

It is the view of this sub-committee that any decision as to what may be relevant can only be made by counsel and that counsel can be relied upon to exercise proper judgment and discretion in determining what information is to be used and the manner in which it is to be utilized, particularly in view of the educational programme referred to above.

It is submitted that, for example, where the question of a patient's right to release was in question, no matter how impartially the hospital authorities were to act, it could not appear that justice was being done, if the authority asking further detention were, in fact, deciding also what portions of the records counsel for the patient might peruse."

Your Committee has authorized that the report be sent to the Attorney General after it has been approved by Convocation.

SUB-COMMITTEE APPOINTED TO CONSIDER GROUP APPLICATIONS

In December 1972, the Committee requested W. Z. Estey, Q.C., to submit an opinion with respect to applications received from Ratepayers Associations who want representation to assist in rezoning applications before the Ontario Municipal Board. After reviewing the opinion the Chairman appointed a sub-committee consisting of Peter deC. Cory, Q.C., and John W. Morden to review the matter and report back. The sub-committee was struck to consider the following questions:

1. Under the present statute and regulations, can a certificate be issued to a group of persons in order that they may be represented, particularly before an administrative or quasi-judicial tribunal?
2. Is there a *need* to provide group representation under the Legal Aid Plan?
3. If there is such a need, what factors should be considered in determining whether group representation should be provided in particular cases?

Peter deC. Cory, Q.C., submitted a report of the sub-committee dated September 20th, 1973.

Your Committee approved the report in principle and recommended that it be reviewed by Convocation. If Convocation approves the report in principle, your Committee further authorizes that it be referred back to the said sub-committee for detailed recommendations with respect to the necessary amendments to the legislation. At the appropriate time such proposed amendments to the Act and Regulation can be forwarded to the Attorney General who can then consider the political and financial implications.

SUB-COMMITTEE RE NON-DISCLOSURE OF INFORMATION— SECTION 137 OF THE REGULATION

Section 137 of the Regulation reads:

> "137. No information furnished by or about an applicant for or recipient of legal aid or the fact that a client is receiving legal aid shall be disclosed other than as may be necessary for the proper performance by any person of his functions under the Act and this Regulation."

From discussions with several Judges it is indicated that it may be appropriate to dispense with the confidential aspect of issuing a certificate. It was suggested that the fact that a client has received Legal Aid should not be considered confidential. This will allow for better policing of the Plan in the Courts and resolve many problems with respect to awarding costs, etc.

The matter was referred to a sub-committee consisting of the following members:

L. K. Ferrier, Chairman
John W. Morden
Austin Cooper, Q.C.
James B. Chadwick

SUB-COMMITTEE RE ISSUANCE OF CIVIL CERTIFICATES AND OPINION LETTERS

At the July 11th, 1973 meeting, the Chairman was requested to appoint a sub-committee to consider an amendment to Section 58 of the Regulation which would clearly enable Area Directors to require supportive reasoning from a solicitor on a legal opinion pertaining to a civil matter.

The following have been appointed members of such sub-committee:

W. D. Griffiths, Q.C., Chairman
Peter deC. Cory, Q.C.
James J. Carthy, Q.C.

STUDENT LEGAL AID SOCIETIES

(a) *Re: University of Western Ontario*

An application from the University of Western Ontario Law School under Section 74 of the Regulation was before the Committee. The application sought approval to extend the function of that school's Student Legal Aid Society to:

1. permit student appearances in proceedings under Section 25 of the Child Welfare Act other than Crown Wardship proceedings, and
2. permit student appearances under Sections 8 and 9 of the Training Schools Act (i.e., applications to commit a child to a training school by any person).

The Committee was of the view that this application should be deferred pending the report of the sub-committee concerned with the status of undergraduate law students and the possible establishment of student practice rules.

Mr. Fairbairn was instructed to advise the Dean accordingly.

(b) *Re: University of Toronto*

An application by Dean Friedland, University of Toronto Law School, under Section 74 of the Legal Aid Regulation proposing additional supervision of student legal aid activity at that school by paid duty counsel, was also before the Committee.

The Committee was of the view that this application ought to be considered along with the submissions of other law schools concerning financial assistance by the Plan to Student Legal Aid Societies. This matter will be discussed in depth on October 20th next at a joint meeting of the Legal Aid Committee and representatives from all Student Legal Aid Societies. The application will be placed on the agenda for that meeting.

(c) *Re: Fall Meeting of Student Legal Aid Societies*

The Sub-Committee on Student Legal Aid Societies has arranged for representatives of the law schools to meet with the Legal Aid Committee on Saturday, October 20th, 1973.

Professor Stephen Borins offered the facilities of Osgoode Hall Law School, York University, for such meeting. Your Committee accepted the offer.

PROFESSIONAL NEEDS STUDY — DEAN H. W. ARTHURS, OSGOODE HALL LAW SCHOOL, YORK UNIVERSITY

Dean H. W. Arthurs attended before the Committee to discuss a study which he proposes to undertake concerning "The Future Supply of Law Trained Graduates and its Relation to the Demand for Legal Services".

In June, the Director and L. S. Fairbairn, Assistant Provincial Director, met with Dean Arthurs and discussed the study's implications and usefulness for future planning under the Legal Aid programme.

Your Committee was of the opinion that Dean Arthur's request should be referred to a sub-committee of the Legal Education Committee which was already considering Dean Arthur's request. It was noted that R. W. Cass, Q.C., was a member of both the Legal Aid Committee and the said sub-committee.

DISCIPLINE

Claude R. Thomson, Solicitor, appeared before the Committee to discuss the present procedures with respect to the investigation and subsequent disciplining of solicitors who had failed in their duty to the Legal Aid Plan.

In view of certain issues raised by Mr. Thomson, your Committee recommended that a sub-committee be appointed to investigate the procedures.

The sub-committee consists of the following:

John W. Morden
James J. Carthy, Q.C.
G. D. Finlayson, Q.C.
Claude R. Thomson (ex officio)

SUB-COMMITTEE RE DECENTRALIZATION OF YORK COUNTY

The following is an extract from the Legal Aid Committee's report to Convocation dated July 11th, 1973:

> "In August, 1972 Convocation approved in principle the recommendation set out in the Community Legal Services report that decentralization in York County be permitted to proceed expeditiously, carefully making provision for the location of offices that are (a) geographically convenient to individual municipalities showing a need for assisted legal services; (b) located in or near areas of concentrated need; and (c) close to major public transportation.
>
> At the July meeting, the Director informed the Committee that arrangements were being made to transfer all applications for criminal certificates in York County to the Old City Hall; this being the first phase of the decentralization. The space had been approved by the Attorney General's Department and at the initiation of Chief Judge Hayes.
>
> The Chairman was requested to appoint a sub-committee to implement the decentralization of York County."

The following have been appointed members of such sub-committee:

S. G. M. Grange, Q.C., Chairman
G. D. Finlayson, Q.C.
L. S. Fairbairn
W. R. Donkin (ex officio)

AREA COMMITTEES

Section 4(1) of The Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed a member of the Lincoln County Area Committee:

Lincoln County

Stewart Kingstone, Q.C., St. Catharines

The following *resignations* were noted:

Lincoln County

Joseph Zabek, Solicitor

Peterborough County

Robert H. Carley, Q.C., Peterborough

It was moved by Mr. MacKinnon, seconded by Mr. Gray, that the matter respecting group applications be referred back to the Legal Aid Committee for further consideration. This was *carried.*

THE REPORT AS AMENDED WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Beament

COMPENSATION FUND SUMMARY

Compensation Fund

For the period 1st September, 1973 to 30th September, 1973

	Month of Sept. 1973	*1 month ending 30th September, 1973*		
Balance on Hand, 31st Aug., 1973				$1,689,107.51
Receipts				
Fees	$ 60.00		$ 60.00	
Investment Income				
Gov. of Canada	1,125.00	$1,125.00		
Guar. Deposit Receipt Int.	3,366.01	3,366.01	4,491.01	
Recoveries				
G. R. Frame	8,313.60	8,313.60		
S. Resnick	77.82	77.82	8,391.42	12,942.43
	$12,942.43			$1,702,049.94
Disbursements				
Grants—S. Caplan	456,144.43		$456,144.43	456,144.43
	($443,202.00)	TRUST BALANCE—30/9/73		$1,245,905.51

Résumé of Gross Claims Outstanding		
Claims received and not processed as of Aug. 31/73		$2,265,440.96
Received during month of September		7,350.00
		$2,272,790.96
Dismissed, withdrawn or written off during month of September	$578,274.43	
Settled by payment in whole or in part	456,144.43	1,034,418.86
**Claims received and not processed as of September 30, 1973*		$1,238,372.10

*Blotti — $309,613.49

Harris — 519,749.90

$829,363.39

Total paid to 30th September, 1973 on account of 888 claims of 87 former solicitors	$3,052,423.99

THE SUMMARY WAS RECEIVED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 11th day of October, 1973, at 9:15 o'clock in the morning, the following members being present: Mr. A. E. M. Maloney, Chairman, and Messrs. Cartwright, Cory, Evans, Grange, Griffiths, Fennell, Fitz-Gerald, Krever, Lochead, MacKinnon, Pallett, Pepper, Seagram, Strauss, Thom and Wallace.

Your Committee considered a number of matters and after due discussion issued the necessary instructions to the Secretary.

THE REPORT WAS RECEIVED

LIBRARIES AND REPORTING COMMITTEE

— Mr. H. E. Harris

Your Committee met on Thursday, the 11th day of October, 1973, the following members being present: Messrs. H. E. Harris (Chairman), Seagram (Vice-Chairman), Grange and Zahoruk, and Miss A. R. McCormick.

GREAT LIBRARY

GREAT LIBRARY—RENOVATIONS

Your Committee recommends that, since the lighting in the American Room needs to be improved, Mr. Heeney be authorized to get several estimates of the costs of corrective lighting in the American Room.

COUNTY LAW LIBRARIES

COUNTY LAW LIBRARIES—SURVEY RE: LAW SOCIETY GRANT

The Secretary reported that only two County Law Associations had replied in depth to the survey letter. The Secretary was instructed to send a reminder letter to all those Associations that had not replied to the survey sent in June 1973.

HAMILTON GRANT

A letter dated 2nd October, 1973, to the Society from David Goldberg, President of the Hamilton Law Association, was submitted to the Committee for its instructions. Mr. Goldberg's letter outlined the financial needs of the Association and the necessity of increasing its annual budget, and requested a special grant for the purchase of books and an increase in the Association's annual grant.

A member of the Committee (Mr. Zahoruk) was requested to ascertain the extent, if any, of the contribution being sought from the Society by the Hamilton Law Association.

REPORTING

DELAY AND ACCURACY IN PUBLICATION OF REASONS FOR JUDGMENT

The Committee had before it a letter from Professor S. Borins reporting on his discussion with Chief Justice Gale. The Chief Justice will contact Professor Borins after he consults the other members of the Court.

REASONS FOR JUDGMENT

The Committee had before it a suggestion that the form of notice at the beginning of the Blue Pages of the Ontario Reports be amended advising lawyers where copies of Reasons for Judgment can be purchased, so that the notice will read:

> "These summaries are unofficial, and reference should be made to the Reasons for Judgment as reported in the Ontario Reports or on file with the Court of Appeal Office, Osgoode Hall."

Your Committee recommends that the above be approved and the suggestion be referred to the Judges' Library Committee.

THE REPORT WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 11th day of October, 1973, the following members being present: Mr. Strauss (Chairman), and Messrs. Cass, Fennell, FitzGerald, Pallett, Sopha, Trepanier, White, and Zahoruk.

One file, which the Secretary had been investigating, was deferred pending an investigation by police.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

REMEMBRANCE DAY

The Treasurer announced that the usual Remembrance Day Service would be held on Friday, 9th November, 1973, at

12:30 p.m., at the Second World War Memorial in the Main Rotunda of Osgoode Hall and appointed Messrs. Gray and MacKinnon a Special Committee on Remembrance Day Service with Mr. Gray as Chairman.

CONVOCATION THEN ROSE AT 12:45 P.M.

The Treasurer and Benchers had as their guest at luncheon Mr. Alan Watson, President of The Institute of Chartered Accountants of Ontario.

Read in Convocation and confirmed this 16th day of November, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Friday 2nd November, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cass, Cory, Evans, Fennell, Finlayson, FitzGerald, Goodman, Grange, Gray, Griffiths, H. E. Harris, Krever, Maloney, MacKinnon, O'Brien, Pallett, Pepper, Seagram, Sheard, Sopha, Strauss, Thom, Wallace and White.

Mr. J. C. MacDonald, Q.C., Director of the Bar Admission Course, was present at the Treasurer's invitation.

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST

The Treasurer advised Convocation that he had reconstituted the Special Committee on J. Shirley Denison Bequest as follows: Messrs. Sheard (Chairman), Carthy, Cass, Pepper and Sedgwick.

CANADIAN LAW INFORMATION COUNCIL

The Treasurer appointed Mr. Stephen Borins to be the Society's representative on the Canadian Law Information Council to replace Mr. John W. Morden.

SPECIAL COMMITTEE ON LEGAL EDUCATION

Mr. MacKinnon, Chairman, presented Recommendations 7 and 8 of the Report of the Special Committee on Legal Education 1972:

RECOMMENDATION 7 — ARTICLING

That a period of service under articles of clerkship no longer be required.

RECOMMENDATION 8 — THE BAR ADMISSION COURSE

The Bar Admission Course Teaching Term should be strengthened and adapted as necessary to compensate for the elimination of articling.

Convocation adopted the following motion at Special Convocation held on 9th March, 1973, to consider the Report of the Special Committee on Legal Education 1972:

> "Convocation regrets that a period of service under compulsory articles may no longer be possible but postpones a final decision until the October Convocation and if such decision be in favour of the abolition of articling, that implementation of such decision be postponed for a further two years to allow the profession, the law schools and the law students to adapt to the new circumstances and to consider alternatives to compensate as much as possible for the elimination of articling."

REPORT OF SUB-COMMITTEE ALPHA OF THE LEGAL EDUCATION COMMITTEE

Sub-Committee Alpha of the Legal Education Committee consists of Mr. S. G. M. Grange, Chairman, Messrs. Cory, Krever and Thom, and Mr. James C. MacDonald, Director of the Bar Admission Course.

Mr. Grange, Chairman, presented the Report of Sub-Committee Alpha:

SUB-COMMITTEE ON

ARTICLING AND THE BAR ADMISSION COURSE

To: The Chairman and Members of the Legal Education Committee

INTERIM REPORT ON ARTICLING

TERMS OF REFERENCE

1. Our terms of reference include not only articling but substitutes for articling and problems relating to the Bar Admission Course. (The term "Bar Admission Course" properly includes both the period of articling and the teaching term. For ease of reference we have throughout this report used the term "Bar Admission Course" to indicate the teaching term only.) We were directed by the June Convocation to report on all or many of these matters by October. This direction we have found impossible to satisfy. We have found the articling problem so comprehensive that we have been able only to prepare an interim report on that subject within the time limit.

2. We are proceeding immediately to a study of articling alternatives but suspect that a report thereon is still some months away. We trust that, notwithstanding the absence of a full report on all matters referred to us, Convocation will be able to reach a decision on the question of articling.

ARTICLING FEASIBILITY OR DESIRABILITY

3. We considered the possibility of limiting our discussion and researches only to the feasibility or desirability of articling, but finally rejected that limitation in favour of a full consideration of articling. We believe that the resolution of the Special Convocation, namely, "Convocation regrets that a period of service under compulsory articles may no longer be possible but postpones the final decision until the October Convocation . . . ." clearly leaves the whole question open and we are entitled, and indeed required, to reconsider the conclusion of the Special (MacKinnon) Committee that, "a period of service under articles of clerkship no longer be required."

MACKINNON REPORT

4. We extracted from the MacKinnon Report the reasons given for the abolition of articling, as follows:

A. *Non-availability of positions*

The Special Committee found that offices and positions for articling were becoming less readily available (partly because of the advent of law clerks) and that as a result students were taking positions in highly specialized firms, corporations and government offices. In 1971 the situation was saved by the Treasurer's letter but it was suspected by the Committee that reluctant principals would not make good principals.

B. *Length of time of legal education*

The Special Committee was concerned over the length of time required for legal education and in effect considered that the additional year of articling was the part of the educational process that could most readily be jettisoned.

C. *Remuneration*

The Special Committee found that the expense to both the principal and student was a concern. The students' salaries were increasing and practitioners were finding the cost of articling students too great. Also many married students with families found it necessary to supplement their incomes or go more deeply in debt.

D. *Unevenness*

The Special Committee found that articling was unsatisfactory in that a substantial number of articling students were receiving only fair or poor instruction in many of the matters essential to good training. The Committee also found that it would be almost impossible to police articling by reason of the costs and administrative burden involved, and that any attempt to do so would be adverse to the goodwill of the Law Society with the profession and would probably be ineffective as well.

PROFESSIONAL RESPONSE

5. The profession was invited to comment on the MacKinnon resolutions. An analysis of the replies received insofar as they related to articling has been prepared by Victor P. Albioni, a student in the Bar Admission Course, who assisted in the work of the MacKinnon Committee, and his report is before the Committee. The primary and most widely held objection was that articling is essential to the full education of the student and no substitute is possible.

THE OPPOSING VIEWS

6. We have found ourselves faced with the MacKinnon Report recommendation and the almost unanimous opposing reaction of the profession.

7. Certainly we were not prepared to reject the MacKinnon recommendation simply because it was unpopular. The Special Committee Report is the product of long and anxious deliberation on the part of the Committee, who unanimously recommended the abolition of articling. Much of the opposition was emotional and it seemed to us that a heavy burden lay upon the advocates of retention to show that the recommendation was wrong. On the other hand, articling has always been with us, and the view is widely held that the education of a lawyer is incomplete without some practical experience and that such experience should not be acquired after his call to the Bar at the expense of his clients. The profession has made clear its conviction that there is no true substitute for articling, and in the sense that no form of classroom education can replace the experience that good articling can provide, we entirely agree.

THE PURPOSE OF ARTICLING

8. We all agreed that a purpose (and perhaps the overriding one) of articling was the need for a student to get the feel of practice, to observe his principal and other lawyers in the

resolution of their day-to-day problems, including, of course, not only the legal but the economic, moral and ethical problems as well.

9. We found difficulty in determining the educational function of articling. The problem became apparent when we tried to evaluate the acceptability of a specialized articleship, by which we mean articles with a lawyer who has restricted his practice to a single field of law. If articling is part of the educational process and a preparation for the Bar Admission Course, it would seem to follow that the student should receive a wide training. If, however, the student's education can be left to the law schools and the Bar Admission Course, then a specialized training freely chosen by the student may be sufficient, and may be a better background for his eventual practice.

THE DEFECTS OF THE ARTICLING SYSTEM

10. We considered the MacKinnon objections under each of the headings above, as follows:

A. *Non-Availability of positions*

It is abundantly clear that a severe shortage of positions has not yet materialized. All students obtained articling positions for the terms 1972-73, and again for the term 1973-74, fairly readily. Obviously it is a most important aspect of the matter and has to be watched very closely at all times. We are in no position to say that the problem will not arise again. It may even be exacerbated if the supervision we recommend is put into practice. All we can say is that there is not at this time immediate cause for alarm.

B. *Length of time of legal education*

Obviously this difficulty cannot be alleviated except by reducing the time spent in some part of the educational process. There have been some suggestions that the time would be more conveniently and properly taken from the time spent in the law school courses or from the Bar Admission Course, but we have considered these suggestions to be outside our terms of reference.

In any determination of the period of articling, we believe the following considerations necessarily apply:

(a) The period of articling must be so arranged as to work in conjunction with the Bar Admission Course.

(b) Offices must have students available at all times. The reason for this is that offices cannot be expected to undertake the training of students unless the students are available throughout the year. Moreover, offices may not maintain facilities for students if the students are not always there to make use of them.

(c) Any system must give equal treatment to all students.

Bearing these considerations in mind, we have rejected for the present a reduction in the total length of time a student must serve under articles on the ground that we do not see how any shorter term would work. We rejected the 6-month term for the reasons set out in the MacKinnon Report, namely, the burden on the offices of breaking in students to elementary office practices twice in one year, the unevenness of performance in students when some have had the benefit of the Bar Admission Course and some have not, the unfairness to some students both in their ability to get the maximum benefit from the Bar Admission Course and their opportunity for permanent employment, interference with firm training programmes and the possibility that such a system would result in a tendency by firms to give up the employment of students. We rejected a 9-month term (where students would article from graduation to (say) February when the Bar Admission Course would then start) on the ground that it would result in a period when no students would be available to serve in the law offices. We believe that inevitably such a hiatus would tend to dissuade firms from hiring students.

We note with some interest that British Columbia is trying out a system whereby the articling term will be 9 months. There will be two separate Bar Admission Courses of 3 months each. Some students will be taking the Course prior to articling and some after, the determination of which student will attend which course depending in large part upon geographical considerations which do not exist in Ontario. Such a system for this province would require a reduction not only in the articling period (which might be desirable) but in the Bar Admission Course as well. We will watch the British Columbia experiment closely as we continue with our studies of the Bar Admission Course.

We are not satisfied, however, that the 12-month term must be served from September to September as now required. We considered and rejected the possibility that the students be permitted to serve the 12-month period at any time between the end of the second year of law school and six months after the completion of the Bar Admission

Course. This would ensure that students would not enter the Bar Admission Course without some training in articling, and would also enable them to proceed to the Bar Admission Course in the year immediately succeeding their graduation if they wished and could obtain the necessary summer employment. The reason for rejecting it was that it would not only create difficult problems in practice but it would give undue advantage to students with connections at the Bar.

We suggest, however:

(a) That the 12 months under articles be permitted to be served in periods of at least 3 months duration, at any time

   (i) between the second and third years of law school, and

   (ii) in the 16-months period between the conclusion of the third year and the commencement of the Bar Admission Course in the year following.

   If this were permitted, it would have to be examined carefully after a few years to determine whether it has been satisfactory.

   Fears have been expressed by the Director of the Bar Admission Course that such a system would result in many applications for summer employment, with the consequence that fewer offices would be available to graduate students. In his view, the proposal would also lead to either a "hiatus" or the placing of a burden on principals of training students twice a year. The rest of the Committee is of the view that it would be satisfactory, as it presumes that most students would still take their articling period in one continuous 12-month term.

(b) There should be a discretion in the Admissions Committee to declare that the equivalent, or a part thereof, of the required articling has been served. We have in mind those instances where students have obviously obtained adequate legal experience in law offices before entering law school and should not be required to go through the formal articling period as well. We suggest the regulations might be drafted from guidelines prepared by the Admissions Committee.

C. *Remuneration*

This problem as mentioned in the MacKinnon Report, is a continuing one, and at its most abrasive involves the students demanding higher pay and the principals reacting by doing without students. Students (some students) are heard to say that the system is designed to provide a cheap labour market for lawyers, and lawyers (some lawyers) are heard to say that the students are pricing themselves right out of the market. The problem has considerably subsided in the last year or so, but we have no doubt that it will arise again if articling is to be a continuing feature of legal education. Nevertheless, we do not believe that there is anything the Society can do about the problem. It cannot fix salaries, in our view, at either a top or bottom level; it can only hope that the profession will understand the need for appropriate remuneration, and that students, particularly in light of the improvements we have proposed for the system, will appreciate that they are getting more out of it than just their salary. Unless the problem is carefully handled by both parties, it may of itself spell the end of articling.

D. *Unevenness*

This was what most concerned us. We endeavoured to find out the extent of the problem, and to that end had surveys made by the staff of the Bar Admission office. The object was to determine whether students were generally being placed in what might be described as law-practising firms and whether they were content with the training they were receiving from those firms. These surveys were admittedly non-professional polls, and perhaps not too much reliance can be placed upon the information gleaned. We all know that some firms having ample work and facilities make minimum or inadequate use of their students, and students have little, if any, basis for judging the quality of their articling training against the ideal. With these reservations, however, and supplemented by our own observations, we believe the following conclusions are reasonable:

(a) Most students are obtaining positions in offices where they *could* obtain satisfactory training.

(b) Most students, at least for the year 1972-73, are content with the articling they have received.

This, however, is not, in our view, enough. Our concern must be with the 50 or 100 students who we all know are not placed in offices where adequate training is available and who cannot be content with their lot. We are firmly of the opinion that the unevenness remarked on in the MacKinnon Report continues to exist and we cannot recommend the continuation of articling unless an effort is undertaken to rectify the defects. Inevitably such efforts will involve some adjustment in the present student/principal relationship and an additional burden upon the principal, but the profession has overwhelmingly reaffirmed its faith in the principle of articling. In view of the profession's response to the MacKinnon Report, we believe it will be co-operative and, indeed, the co-operation of the profession is essential.

LEGAL EDUCATION COUNCIL

11. We recognize that every aspect of legal education ought to be an integral part of the whole process. Thus articling, if it is to be continued, must be integrated as closely as possible both with the law schools and with the Bar Admission Course. We wholeheartedly support the establishment of a Legal Education Council as recommended in the MacKinnon Report, and suggest that articling come within the scope of its considerations.

OBLIGATIONS OF THE LAW SOCIETY AND OF THE PROFESSION

12. As matters now stand, the Law Society makes the period of articling compulsory. Although the Society does assist students in securing articling positions, it does not guarantee their placement, provides only formal guidance for the student and principal as to what should be achieved during the period of articling and sets no standard of remuneration.

13. As we have stated, we are of the opinion that if articling is to continue, certain responsibilities must be assumed by the Law Society and the practising Bar to establish some minimum standards of training and a greater degree of uniformity of experience in articling.

14. Although, as we have also stated, we feel there is little we can do on the question of remuneration, the Law Society must be prepared to take an active part in the placing of graduate students, should the need arise.

15. To these ends, we propose:

(a) That the office (or offices) in which a student is articled undertakes to give that student training in a substantial number of the fields of law. If the office is unable to supply training in all of these fields, e.g.

because of specialization, then the time in which the student is articled to that particular principal should be limited. However, the rule should be flexible enough that if a student voluntarily chooses to spend his entire training time with a specialist, he may, in some circumstances, be permitted to do so.

(b) That because articling is a part of the educational process for which the Law Society has special responsibility, it should properly be supervised by the Bar Admission Course administration as part of its duties. To ensure such proper training and supervision, offices must be subject to inspection and report.

16. We are far from sure what form such supervision should take but we have in mind matters such as these:

(a) The Law Society, through the Bar Admission Course administration, should compile for the guidance of solicitors a list of matters to be covered during the articling period. To a certain extent this is already done in the Bar Admission Course Student's Pocket Handbook. Forms might be compiled indicating the completion by the student under the supervision of the principal of certain essential matters to be covered in each topic, to be signed by both the principal and the student.

(b) The local members of the Bar will be called upon to assist in seeing that all articling students receive training in a reasonably wide range of topics.

(c) An officer (or officers if necessary) of the Bar Admission Course administration shall be engaged to oversee the articling programme, to make field trips, to investigate articling in the offices of the principals, to receive the reports of the principals and students and make appropriate recommendations to the Legal Education Council. The officer should attend the law schools during the course of the year to advise third year students what they might expect to receive by way of training during their articling period. This advice to the students should be published and made available to the profession.

(d) Where the principal is found to be unsatisfactory in the training of students, he would be ineligible to engage students in the future. We fully understand the danger inherent in this proposal in that it may mean a reduction in the number of positions available to students, and we can never be sure that there will be sufficient positions available in any year. Nevertheless, the proposal is, in our view, essential. We cannot countenance continued training in an office that is demonstrably inadequate for the task.

(e) Consideration might be given to extending to principals who undertake the training of students some recognition either as honorary members of the Faculty of the Bar Admission Course or otherwise. Their duties will be confined to the training of students in their offices, but they will have some association with the Bar Admission Course, and it should be recognized and acknowledged that these principals play a very important part in the training programme of students.

(f) That there be initiated immediately a campaign to educate both principals and students in the conduct of proper articles. This could be done by way of newsletters and the field trips of the Bar Admission Course officer to spread the ideas he has obtained from observation of other offices and encourage the principals and the students to cover the ground not already dealt with. This is not to say that such a campaign could ever be adequate in itself. We believe the Law Society must achieve the minimum standards of articling that are necessary for its continuance.

17. Depending upon the results of this campaign and the officer's reports, we can determine how many of the other recommendations here listed and other measures should be put into effect.

18. In making these recommendations we are fully aware that the Special Committee, in dealing with the problem of supervision, referred to it as "not feasible" and said, "the cost of any system of examination of offices and lawyers who employ and supervise articling students would be very expensive and likely ineffective", and, "the relationship between the Law Society and its members would suffer to a degree not justified by the possible benefits of such a system," and finally referred to "the insuperable difficulty of improving and effectively supervising the present system". It is ironic perhaps that the Special Committee's recommendation may have brought about the re-affirmation of the principle of articling, which leads us to suggest that the recommendations in this report might now have a chance of success which they did not have before the appearance of the MacKinnon Report. In any event, we

believe that it is only with adoption of some such programme that we can recommend the continuation of articling. We also believe that without improvement, articling must eventually fall to the assaults of its critics. It would be idle to assume that this eventuality may not arise, which makes it imperative that the search for alternatives be pressed vigorously.

CONCLUSIONS AND RECOMMENDATIONS

1. Articling as it now exists cannot continue.
2. We believe that the continuation of the institution of articling must be subject to the following conditions:
   - (a) The establishment of an office or department within the Bar Admission Course administration, hopefully under the aegis of the Legal Education Council, to assist students to obtain articling positions and to supervise and improve the articling system.
   - (b) The immediate institution of an investigative and persuasive service under the Bar Admission Course administration to keep a continuous watch on the state of articling in Ontario and to endeavour to improve it by such means as newsletters and personal visits.
   - (c) The earliest possible establishment of minimum standards of training by such means among others as:
   - (i) the identification of fields in which training will normally be essential;
   - (ii) the obtaining of undertakings by principals with respect to such training;
   - (iii) the preparation and obtaining of reports by principals and students;
   - (iv) the review of articling offices and the institution of a policy of rejection of unsatisfactory principals;
   - (v) the conferring of a status within the Bar Admission Course for satisfactory principals.

   We emphasize that the fulfilment of these conditions requires the full co-operation and participation of the members of the profession.
3. Service under articles must for the present continue to aggregate 12 months but may be served in periods of at least 3 consecutive calendar months after the completion of the second year of law school and before commencement of the Bar Admission Course in the year following the student's graduation from law school.

4. Articling should remain constantly under review and the officer of the Bar Admission Course should report at least annually on its state to the Legal Education Council. In any event, the whole subject should be carefully reviewed within 5 years. If at the time of that review, or at any earlier time, it is found that the operation has been unsatisfactory and the present inequities continue, then articling must be abolished.
5. It is of the utmost importance that an intensive search continue for alternatives to articling, indeed for new methods and techniques of post-academic training generally. Experiments should be encouraged and conducted in the Bar Admission Course and elsewhere so that if articling must be abolished, the best replacements will be immediately available.

Recommendations 7 and 8 and the Report of Sub-Committee Alpha were considered together.

It was moved by Mr. O'Brien, seconded by Mr. Finlayson, that the Report of Sub-Committee Alpha be amended to read as follows:

CONCLUSIONS AND RECOMMENDATIONS

1. The present articling system must be improved.
2. We believe that the present system can be improved by taking the following steps:
    - (a) The establishment of an office or department within the Bar Admission Course to assist students to obtain articling positions and to supervise and improve the operation of the articling system by all possible means.
    - (b) The establishment of minimum standards of training.
3. Service under articles must for the present continue to aggregate 12 months but may be served at any time after obtaining the LL.B. degree.
4. Articling should remain constantly under review and an officer of the Bar Admission Course should report at least annually on its state to Convocation.
5. It is important that an intensive search continue for alternatives to articling, indeed for new methods and techniques of post-academic training generally. Experiments should be encouraged and conducted in the Bar Admission Course and elsewhere so that if it becomes impossible to maintain articling, the best replacements will be immediately available.

The motion was *carried.*

THE REPORT AS AMENDED WAS ADOPTED

CONVOCATION THEN ROSE AT 12:45 P.M.

Read in Convocation and confirmed this 16th day of November, 1973.

SYDNEY L. ROBINS
Treasurer

MINUTES OF CONVOCATION

Friday, 16th November, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Carley, Carthy, Cass, Chappell, Common, Cory, Evans, Fennell, FitzGerald, Grange, Gray, Griffiths, H. E. Harris, W. E. Harris, Henderson, Howland, Krever, Levinter, Lochead, Maloney, MacKinnon, O'Brien, Pallett, Seagram, Sedgwick, Seymour, Sheard, Slemin, Sopha, Strauss, Thom, Trepanier, Wallace, White, Williston and Zahoruk.

The Minutes of Convocation of 19th October, 1973 and the Minutes of Special Convocation of 2nd November, 1973 were read in Convocation and confirmed.

The Treasurer announced with deep regret the death of Mr. T. Kelso Creighton, Q.C., of Oshawa, on 20th October, 1973. For over half a century in a public and professional career that was all encompassing, Mr. Creighton served his country, his community and his profession as a lawyer, soldier, citizen and humanitarian. He became a Life Bencher of the Society in 1967, having first been elected a Bencher in 1952. As a Bencher Mr. Creighton served on many of the standing committees and various special committees. He served as Chairman of the Discipline Committee for four years. He took an active interest in Convocation and the Society until his health began to fail a few years ago.

APPOINTMENT TO LIBRARIES AND REPORTING COMMITTEE

It was moved by Mr. MacKinnon, seconded by Mr. Gray, that Mr. J. G. M. White be added to the Libraries and Reporting Committee.

Carried

APPOINTMENTS TO SPECIAL COMMITTEE ON SPECIALIZATION IN THE PRACTICE OF LAW

The Treasurer announced the appointment of Messrs. Grange, Krever and Shepherd to the Special Committee on Specialization in the Practice of Law.

LEGAL EDUCATION COMMITTEE—Mr. MacKinnon

Your Committee met on Thursday, the 8th day of November, 1973, at 2:00 p.m., the following members being present: Mr. B. J. MacKinnon, Chairman, Mr. S. G. M. Grange, Vice-Chairman, and Messrs. Borins, Carley, Cass, Cory, Finlayson, Gray, Griffiths, Krever, Pattillo, Sheard and Thom.

DIRECTOR'S REPORT

The Director submitted the following matters for consideration:

Faculty Appointments: It is recommended that the following appointments be approved for the 1973/74 teaching term of the Bar Admission Course:

(a) *Civil Procedure I*: R. J. Rolls, Q.C., to continue as head of this section and the following instructors to either continue or to be appointed: T. G. Bastedo (new), H. M. A. Brodkin, D. J. Brown, D. J. M. Brown, P. J. Brunner, C. L. Campbell (new), M. A. Catzman, A. E. Charlton, T. J. Dunne, C. M. Finlay, L. T. Forbes, B. G. Freeman, G. R. W. Gale, P. J. Green, P. G. Jarvis, G. E. Julian, J. I. Laskin, A. J. Lenczner, J. L. McDougall, D. C. McTavish (new), J. T. Morin, W. H. O. Mueller, R. G. Oatley (new), P. J. Pape (new), Harvey Poss (new), A. M. Robinson, L. D. Roebuck, J. M. Roland, J. W. Rowley, D. H. Sandler, J. E. Sexton, P. J. Sullivan, M. Toplitzky, P. Webb, Q.C., B. J. Wheatley, T. C. Wright, Perce Young.

(b) *Civil Procedure II*: W. D. Griffiths, Q.C., to continue as head of this section and the following instructors to either continue or be appointed: P. R. Braund (new), D. H. Carruthers, Q.C., H. Dickie (new), A. B. Doran, D. G. Duke, W. G. Dutton, N. Dyson, D. A. Elliott, Q.C., M. N. Ellis, G. W. Glass, M. J. Haffey, Q.C., R. Heather (new), K. E. Howie, Q.C., Paul Jewell, C. A. Keith, T. Kerzner, R. B. Lawson, Q.C., W. D. Lilly, T. Lockwood, L. H. Mandel, C. S. Martin, W. T. McGrenere, D. J. McLennan, Q.C., W. R. Mc-

Murtry, G. McPherson (new), J. W. O'Brien, T. H. Rachlin, V. Rogers, R. C. Rutherford, Q.C., E. A. Sabol, W. P. Somers, W. Wigle (new), D. J. Brown (new), W. Liber (new).

(c) *Creditors' Rights and Bankruptcy*: D. N. Macklem, Q.C., to continue as head of this section and the following additional instructors to be appointed: P. R. Braund (new), R. D. S. Hunter (new).

Approved

Appointment of New Registrar: With a view to releasing Mrs. Knox from some of theday-to-day duties connected with the BarAdmission Course so that she is able to give more time and attention to the co-ordination of teaching content and the preparation of objective-type examinations, we recommend the appointment of Miss B. Argiris to the position of Registrar of the Bar Admission Course. We also request an appropriate increase in her salary which should reflect the increase of her responsibilities. This would not unduly increase our budget for administration salaries since Miss Argiris would be elevated to an executive position and would not, therefore, be paid overtime. The Society's Financial Administrator has been consulted about this recommendation and is in agreement with it.

Your Committee recommends that Miss Argiris be appointed Registrar of the Bar Admission Course.

Thomas E. Schell: The question of employing Mr. Schell as a graphic artist was before your Committee in June and deferred to September for further information. The information was received and the matter deferred again, this time to the November meeting, on the understanding that the question would be considered by the Financial Administrator who was about to take up his position with the Society. The matter has been fully explored with him over several departmental meetings and he is of the opinion that the appointment of Mr. Schell is economically justifiable, and agrees that it is desirable.

Your Committee recommends that Mr. Schell be engaged, subject to the approval of the Finance Committee.

Examinations: To assist us in setting up the best possible system for building a bank of multiple-choice questions, we request permission for the Director and Assistant Director of the Bar Admission Course to visit the Educational Testing Service at Princeton, New Jersey, whose Director has been most helpful to us, and whose administration and systems we should see in operation. We believe that considerable benefit would be derived from this visit both in solving some of our current problems and in showing us how to avoid possible pitfalls in the organization of our systems.

It may also be desirable, but has not been determined, to visit Mr. J. E. Covington, National Conference of Bar Examiners, Director of Testing, of Missouri, who has final responsibility for administering the Multistate Bar Examinations referred to in our October Report.

Approved

THE REPORT WAS ADOPTED

ADMISSIONS COMMITTEE—Mr. Cass

Your Committee met on Thursday, the 8th day of November, 1973, at 1:00 p.m., the following members being present: Mr. R. W. Cass, Chairman, Mr. G. D. Finlayson, Vice-Chairman, and Messrs. Borins, Grange, Lochead, MacKinnon, Pepper, Seagram, Sheard and Thom.

ADMISSION OF STUDENTS-AT-LAW

BAR ADMISSION COURSE

A total of 22 candidates, having complied with the relevant Regulations, paid the required admission fee of $101 and filed the necessary papers, applied for admission to the Law Society as students-at-law in the Bar Admission Course as of September 1, 1973. All 22 applied under Regulation 26(5).

Approved

DIRECT TRANSFER FROM QUEBEC

Regulation 4(2)

The Committee is asked to rule whether practice as a notary in the Province of Quebec constitutes the active practice of law for the purposes of Section 4(2) of the Regulation.

The question is answered in the affirmative.

SPECIAL PETITIONS

Your Committee considered three petitions respecting admission to the Bar Admission Course. One petitioner who had difficulty in obtaining an articling position but has now done so requested permission to enter the Bar Admission Course as of 1st September, 1973. This petition was approved. The second petitioner had previously applied for permission to enter the Bar Admission Course but his academic qualifications were in doubt. Additional information with respect to the petitioner's academic qualifications was considered by the Committee. It was recommended that this petitioner be permitted to enter the teaching portion of the Bar Admission Course in September 1974. The third petitioner who is in the third year of an approved LL.B. program sought exemption from the articling portion of the Bar Admission Course because of time he had spent working with a law firm. This petition was refused.

CAPACITY TO PRACTICE — HEARING BY A COMMITTEE

Section 35

Section 35 of the Law Society Act provides, *inter alia*, that a member who has been found after due enquiry by a Committee of Convocation incapable of practising law by reason of age, physical or mental illness, including addiction to alcohol or drugs, or any other cause, may have his rights and privileges as a member suspended or limited by Convocation for such time and on such terms as Convocation considers proper in the circumstances.

The question arises whether the enquiry should be conducted before the Discipline Committee, the Admissions Committee or some other Committee. A view has been expressed that the enquiry should be kept distinct from discipline hearings to avoid the stigma of apparent alleged misconduct and it has been suggested that the Admissions Committee might be the appropriate Committee before which to conduct the enquiry. There are at present no procedures laid down for enquiries under this Section. In addition to procedures analogous to those applying to discipline hearings, provision should be made for psychiatric or other medical evidence to be presented by witnesses of the Society's choosing.

The Committee is asked to consider whether it would be appropriate for such enquiries to be conducted by the Admissions Committee.

Your Committee recommends that the Admissions Committee is not the appropriate Committee before which hearings under Section 35 should be held and that convocation should direct that such hearings be conducted by a Standing Committee or a Committee specially created to hear matters arising under Section 34.

It was moved by Mr. Fennell, seconded by Mr. O'Brien, that the words "and that Convocation should direct that such hearings be conducted by a Standing Committee or a Committee specially created to hear matters arising under Section 35", be deleted from the recommendation respecting Section 35.

Approved

THE REPORT AS AMENDED WAS ADOPTED

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 8th day of November, 1973 at 3:00 p.m., the following members being present: Messrs. Gray (Chairman), Fennell, H. E. Harris, Levinter, MacKinnon, Pattillo, Sheard, Thom and Trepanier.

ACCOUNTS

The Secretary reports that from 1st September 1973 to 31st October 1973, accounts (including Library Accounts), properly approved, to the amount $200,963.84 have been paid.

Noted

ROLLS AND RECORDS

The Secretary reports:

Appointments to the Bench

The following members have been honoured by their appointments to judicial office and their membership in the Society was placed in abeyance upon their assuming office:

John Wilson Morden, Toronto	Called—7 April 1961 Appointed Judge, S.C.O. — 12 October 1973
Norman Douglas Coo, Q.C., Toronto	Called—19 November 1953 Appointed County and District Judge, Ontario County — 12 October 1973
David Reilly Watson, Ottawa	Called—22 March 1968 Appointed Judge of the Court of Sessions of the Peace, Montreal, Quebec — 8 August 1973

Alexander Walsh Davidson, Scarborough	Called—16 September 1954 Appointed Provincial Judge, Criminal Division, County of York — 3 October 1973
Benjamin Cope Thompson, Q.C., Brighton	Called—29 June 1950 Appointed Provincial Judge, Family Court, Northumberland & Durham Counties — 31 October 1973
Norman Joseph Nadeau, North Bay	Called — 25 June 1953 Appointed Provincial Judge, Criminal Division, District of Nipissing — 31 October 1973

Deaths

The following members have died:

Mrs. Lorna Margaret Ireland McWilliams, Q.C., Toronto (Life Member)	Called—18 May 1922 Deceased—16 October 1973
Thomas Kelso Creighton, Q.C. Oshawa (Life Member)	Called—20 November 1919 Deceased—20 October 1973
Joseph Vale, Q.C., Newmarket	Called—15 June 1933 Deceased—2 November 1973

Readmission

The following former member of the Society, having complied with the requirements of the Admissions Committee, was readmitted and his membership in the Law Society has been restored:

Harald Joseph Mattson, Kitchener	Convocation — 19 October 1973

Noted

CHANGE OF NAME

Barbara Joan Robin, a solicitor practising in Toronto, requested that her name be changed on the Rolls of the Society to Barbara *Casson* Robin, thus including her maiden name.

Approved

LEGAL EDUCATION COMMITTEE

Appointment of New Registrar

Bar Admission Course

Your Committee recommends approval of the appointment of Miss B. Argiris as Registrar of the Bar Admission Course.

Graphic Artist

Your Committee recommends that Mr. Thomas Schell be engaged as a graphic artist.

LIBRARIES AND REPORTING COMMITTEE

Cost of Printing Ontario Reports

The Committee had before it a letter from Canada Law Book Limited indicating that the cost of printing the Ontario Reports for 1974 would be increased by $1,709.61 from the estimates given to the Committee in September.

Printing Error in Ontario Reports

The Secretary reported that there was a printing error in part 39 page 462. The dissenting judgment of Mr. Justice Fraser was omitted at the bottom of page 467 so that the judgment of the Court looks like a unanimous judgment. Canada Law Book Limited suggests that pages 461 to 492 be renumbered so that the dissenting judgment of Mr. Justice Fraser will be inserted. The cost of reprinting 30 pages would be approximately $1,000.

Your Committee recommends that the first item be approved but that the second item not be approved.

It was moved by Mr. H. E. Harris, seconded by Mr. Grange, that the item respecting the Printing Error in the Ontario Reports be approved.

Lost

THE REPORT WAS ADOPTED

DISCIPLINE COMMITTEE—Mr. Thom

COMPENSATION FUND SUMMARY

COMPENSATION FUND

For the period 1st September, 1973 to 31st October, 1973

	Month of Oct. 1973		*2 months ending 31st October, 1973*	
Balance on Hand 31st August 1973	$	$	$	$1,689,107.51

Receipts				
Fees	60.00		120.00	
Investment Income				
Government of Canada	15,625.00	16,750.00		
Guaranteed Deposit Interest	10,499.73	13 865.74		
Bank Interest	7.24	7.24	30,622.98	
Recoveries				
M. Godo	400.00	$ 400 00		
G. R. Frame		8,313.60		
S. Resnick		77.82	8,791.42	39,534.40
	$26,591.97			$1,728,641.91
Disbursements				
Grant — S. Caplan			$456,144.43	
Bank Charges	11.60		11.60	456,156.03
	$26,580.37	Trust Bal. — 31/10/73		$1,272,485.88

Résumé of Gross Claims Oustanding		
Claims received and not processed as of 30th September, 1973		$1,238,372.10
Received during month of October		5,667.16
		$1,244,039.26
Dismissed, withdrawn or written off during month of October	$ 14,620.87	
Settled by payment in whole or in part		14,620.87
**Claims received and in the course of being processed as of 31st October, 1973*		$1,229,418.39

*Blotti —	$294,992.62
Harris —	519,749.90
	$814,742.52

Total paid to 31st October, 1973 on account of 888 claims of 87 former solicitors	$3,052,423.99

THE SUMMARY WAS RECEIVED

LEGAL AID COMMITTEE—Mr. Bowlby

Your Committee met on Monday, the 5th day of November, 1973, the following members being present: John D. Bowlby, Q.C., Chairman, and Messrs. Borins, Cass, Chadwick, Common, Cooper, Cory, Ferrier, Finlayson, Grange, Griffiths and Trepanier.

DIRECTOR'S REPORT

The Director submitted a report pursuant to Section 95 (2) of the Regulation for the month of September, 1973.

CONTROLLER'S REPORT

(a) The Controller submitted a Summary of Applications for the 6-month period ended September 30, 1973.

(b) The Controller submitted, on behalf of the Director, recommendations with respect to writing-off client recoveries pursuant to Section 98 (2) of the Regulation.

These write-offs were reviewed and approved by G. E. Wallace, Q.C., Vice-Chairman.

Your Committee approved the writing-off of client recoveries in the amount of $11,607.72 as set forth in the schedule which is before Convocation.

(c) *Re: Sub-lease, York County premises, 66 Temperance Street, to the Ministry of Government Services*

Convocation approved a three-year lease for 73 Richmond Street West and an adjoining office at 66 Temperance Street, premises occupied by the York County area office.

The firm of Raymond and Honsberger, on behalf of the Law Society, has approved a sub-lease of 66 Temperance Street to the Ministry of Government Services. Its basic terms are identical with the head lease. The Ministry of Government Services has examined the sub-lease and is satisfied with its terms.

Your Committee recommends approval of the sub-lease being part of the York County area office premises located at 66 Temperance Street, Toronto.

(d) The Controller submitted a statement of solicitors' accounts for services rendered the Legal Aid Plan.

Approved

LEGAL ACCOUNTS OFFICER'S REPORT

(a) The Legal Accounts Officer submitted a report on the activity of the Legal Accounts Department for the month of October, 1973.

(b) The Legal Accounts Officer submitted a report for the month of October, 1973 with respect to reviews and appeals.

These reports are before Convocation.

PROVINCIAL AUDITOR'S REPORT FOR THE YEAR ENDED MARCH 31, 1973

The Committee reviewed a report from the Provincial Auditor on the audit for the year ended March 31, 1973.

Pursuant to the report, the Director forwarded a memorandum to the Area Directors requesting them to give written reasons in all cases where the assessment officer's report is overruled.

BUDGET 1974-75

The Controller submitted an Estimate of Costs for the Fiscal Year ending March 31, 1975.

A copy of the estimate is before Convocation.

Approved

HAMILTON PILOT PROJECT

L. S. Fairbairn, Assistant Provincial Director, submitted a final report on the Hamilton Pilot Project.

Your Committee noted that before the clinic concept is expanded throughout the Province, legislative changes are required. It was recommended that where a clinic is already located, it should continue but the required amendments to the legislation should be considered without delay.

The Chairman requested a sub-committee review in depth and report back to the Legal Aid Committee with its recommendations.

24 HOUR SERVICE
NIGHT DUTY COUNSEL (YORK COUNTY)

In January, 1973 Convocation gave the York County Area Director approval to establish a pilot project to make lawyers available around the clock for police station duty. Persons accused of serious crimes can phone a particular number between the hours of 5:00 p.m. and 8:00 a.m. for the purpose of obtaining advice from a solicitor, either directly by phone or by having the solicitor visit the accused at his place of confinement.

Your Committee has now considered further correspondence from W. R. Donkin, Q.C., requesting authorization to proceed to:

1. Extend the present system to include the police forces other than Metropolitan Toronto Police, who operate within York County.
2. Obtain publicity through the media without payment, if possible. If payment is required the matter will be referred back to the Legal Aid Committee.
3. Revise the sign presently in use so that it is short and can be read quickly.
4. Convene a meeting of the senior officers of the police forces involved.

The Committee authorized Mr. Donkin to proceed with these matters.

REPRESENTATIVE OF THE ATTORNEY GENERAL OF CANADA ON THE LEGAL AID COMMITTEE

Your Committee was informed that The Honourable Otto Lang, Minister of Justice and Attorney General for Canada, has appointed James B. Chadwick, Solicitor, Ottawa, as representative of the Attorney General on the Legal Aid Committee of the Law Society of Upper Canada.

Mr. Chadwick replaces Gordon P. Killeen, Q.C., who was appointed a County Court Judge.

NON-RESIDENT APPLICATIONS (CIVIL)

Your Committee reviewed a memorandum from D. J. Thomas, Q.C., Assistant Provincial Director, with respect to applications from non-residents in civil matters pursuant to Section 36 (2) of the Regulation.

In June, 1968 Convocation approved the recommendation of the Legal Aid Committee that in criminal matters the Director should apply the same principles in determining whether a certificate should or should not be issued to a non-resident as an Area Director would apply in determining whether a certificate should be issued to a resident.

The Committee further recommended that in civil matters a certificate should be issued only in the most unusual and extenuating circumstances. The opinion was expressed that this Plan is similar to a provincially supported hospital plan and residents in other jurisdictions do not automatically qualify for care in Ontario because they are sick.

The Committee considered an excerpt from the Minutes of a meeting with senior representatives from Provincial Legal Aid Plans held at the Canadian Bar Association convention. This memorandum outlines the position taken by the various provincial programmes on reciprocity of services in civil matters. It also contains reference to an undertaking by Mr. Fairbairn, Assistant Provincial Director, to advise such representatives of the current position adopted by the Ontario Legal Aid Plan in such matters.

After an in-depth review your Committee endorsed the existing criteria and recommended that the Director advise the other Provinces of such criteria, informing them that non-resident applications are limited by legislation.

SUB-COMMITTEE APPOINTED TO CONSIDER GROUP APPLICATIONS (CLASS ACTIONS)

The following is an extract from the Legal Aid Committee's Report to Convocation on October 19th last:

> "In December, 1972, the Committee requested W. Z. Estey, Q.C. to submit an opinion with respect to applications received from Ratepayers Associations who want representation to assist in rezoning applications before the Ontario Municipal Board. After reviewing the opinion the Chairman appointed a sub-committee, consisting of Peter deC. Cory, Q.C. and John W. Morden, to review the matter and report back. The sub-committee was struck to consider the following questions:
>
> 1. Under the present statute and regulations, can a certificate be issued to a group of persons in order that they may be represented, particularly before an administrative or quasi-judicial tribunal?
> 2. Is there a *need* to provide group representation under the Legal Aid Plan?
> 3. If there is such a need, what factors should be considered in determining whether group representation should be provided in particular cases?
>
> Peter deC. Cory, Q.C. submitted a report of the sub-committee dated September 20, 1973.
>
> Your Committee approved the report in principle and recommended that it be reviewed by Convocation. If Convocation approves the report in principle, your Committee further authorizes that it be referred back to the said sub-committee for detailed recommendations with respect to the necessary amendments to the legislation. At the appropriate time such proposed amendments to the Act and Regulation can be forwarded to the Attorney General who can then consider the political and financial implications."

Convocation referred the sub-committee's report on group applications back to the Legal Aid Committee for further consideration.

For purposes of discussion, Peter deC. Cory, Q.C., submitted an amended report to the Committee which sought to emphasize the following:

a) the residents' groups for which group representation was contemplated were those where the majority of the members would qualify individually for legal aid; the balance would find it a hardship to obtain legal advice and assistance in such circumstances;

b) the report included Indian Bands urgently requiring advice and assistance in matters concerning the Band as a group; many of the members of the Band would qualify individually for legal aid; the balance would find it a hardship to obtain legal advice and assistance in such circumstances.

The Legal Aid Committee reviewed the sub-committee's report in depth and objection was taken to the last aspect of the sub-committee's report. It was suggested that representation should be permitted to groups, realizing that eventually objection might be taken by the Provincial Government.

This view prevailed and no further action was to be taken on the sub-committee's report on group representation.

AREA COMMITTEES

Section 4 (1) of the Legal Aid Act provides that the Law Society may appoint a Legal Aid Committee for an area.

Your Committee recommends that the following be appointed members of the respective area committees:

Manitoulin and Sudbury Districts

John A. Goodearle, Q.C., Sudbury

Peterborough County

Mrs. Wendy Robson, Solicitor, Peterborough
Captain Harold Cobb, Salvation Army, Peterborough

Wentworth County

Mrs. Mary Lou Dingle, Solicitor, Hamilton
Mrs. Audrey Smith (lay member), Hamilton

Resignations:
Manitoulin and Sudbury Districts

Michael R. Meehan, Solicitor

Peterborough County

George H. Dove, Children's Aid Society

Wellington County

J. W. Matthews, Solicitor
F. P. Moyer, Q.C.
A. N. Kearns, Q.C.

THE REPORT WAS ADOPTED

PROFESSIONAL CONDUCT COMMITTEE—Mr. Maloney

Your Committee met on the 8th day of November, 1973, at 9:15 o'clock in the forenoon, the following members being present: Mr. A. E. M. Maloney, Chairman, Mr. F. J. L. Evans, Vice-Chairman, and Messrs. Cory, Fennell, Grange, Krever, Lochead, MacKinnon, Pepper, Strauss, Thomas and Wallace.

1. Your Committee received a request for guidance from a lawyer concerning his proposed participation in an estate planning service to be provided by a limited company engaged in investment counselling and sponsored by a large Canadian corporation for its senior executives. The lawyer's position in such a venture was considered in respect to whether there would be fee splitting, who would be the lawyer's client, and whether there would be an element of touting involved.

Since the legal fee would be paid by the investment counselling company, your Committee was of the opinion that that company was the lawyer's client and that there was no fee splitting involved.

With respect to the question of touting, your Committee was of the view that, taking the matter of billing into consideration, if the lawyer submitted draft proposals which the executives were instructed to take to their own solicitors and if the lawyer's name was left out of the circular publicizing the service, there would be no touting.

2. Your Committee had on its agenda a memorandum from The Institute of Law Clerks of Ontario that had earlier in the fall been forwarded to the Committee members by the Institute. The memorandum first dealt with the history of the organization, its development and relationship with the Society. The following submissions were then made:

> "(i) That the Law Society grant to the Institute official recognition as the governing body of Law Clerks within the Province of Ontario and that members of the Law Society be so advised.
>
> (ii) That the granting of such recognition is justified by the manner in which the Institute has conducted itself over the past five years, by the "unofficial recognition" extended as a matter of practice by the Law Society and by the apparent recognition given by the numerous other legal, educational and professional organizations.
>
> (iii) To deny such recognition after originally controlling to a large extent the formation of the Institute and subsequently its existence, would be tantamount to making a mockery of everything that has occurred since 1968 in the training and employment of Law Clerks and the control hitherto exercised by the Institute.

(iv) That control over employment, training and standards can best be achieved by the joint effort of the profession and the Institute rather than by legislation and the strong possibility of eventual trade union participation.

(v) That the Law Society reconsider its denial to the Institute of a request for the establishment of a liaison committee which could meet as and when necessary for the purpose of exchanging views and making recommendations on the employment, training and all related matters pertaining to Law Clerks within the profession.

(vi) That further consideration be given to the use of the term "Law Clerk" or "Legal Assistant" before a final decision is made. If the latter term has been finalized, that consent be given to its use by the Institute in making application for a change of name if the Board of Directors and its members indicate this to be necessary or desirable."

The reference made in paragraph (vi) above quoted is to the opinion expressed by your Committee in its Report to Convocation for January 1973, in answer to the question as to whether it would be proper for a lay person in the employ of a lawyer to use a calling card describing himself as a "Legal Assistant". At that time your Committee was of the view that the phrase would not be objectionable, provided that any such card should conform to the following:

"(i) The personal card of a lay person employed by a lawyer or firm of lawyers should conform to Ruling 3(1).

(ii) The title on the card should properly describe the user's true function.

(iii) The card should indicate the name and legal status of the lawyer or lawyers by whom the lay person is employed.

(iv) In all other respects the card should not differ in size, form or style from that generally in use as a lawyer's personal calling card.

(v) The card should be used in the same manner as a lawyer's personal card and only in connection with business being carried out for and under the direction of the lawyers appearing on the card."

After giving due consideration your Committee instructed the Secretary to advise the Institute that the Committee will give further consideration to the question of regulations to define and govern the employment of barristers' and solicitors' clerks. Your Committee also instructed him to inform the Institute that the Society agrees that the term "Law Clerk" is preferable to the designation "Legal Assistant", but does not consider it desirable that access to training or employment of a clerk in a law office should be under the exclusive control of the Institute of Law Clerks or of any other body, either alone or in conjunction with the Law Society. Your Committee requested the Secretary to express to the Institute the Society's appreciation of the work of the Institute in providing training and testing facilities and other assistance to persons seeking employment as clerks in law offices.

It was moved by Mr. Fennell, seconded by Mr. O'Brien, with respect to item 1 of the Report, that the lawyer's name be permitted to appear in the proposed circular letter. This was *lost.*

THE REPORT WAS ADOPTED

LIBRARIES AND REPORTING COMMITTEE

—Mr. H. E. Harris

Your Committee met on Thursday, the 8th day of November, 1973, the following members being present: Messrs. H. E. Harris (Chairman), Borins, Carley, Grange, Maloney, Wallace and Zahoruk, and Miss A. R. McCormick. Messrs. Krever and White attended by invitation.

Great Library

Barristers' Library — 145 Queen Street West

The Committee recommends that the Barristers' Library at 145 Queen Street West be retained in accordance with the original plan which was made in 1969. Chief Justice Gale stated at that time that the Master's, Courts and Registrar's Offices would remain there. There are four court rooms for Supreme Court trials at 145 Queen Street West.

Reporting

Cost of Printing Ontario Reports

The Committee had before it a letter from Canada Law Book Limited indicating that due to the increasing number of cases being reported and due to increases in the cost of paper the cost of printing the Ontario Reports would be increased by $1,709.61 over the budgeted figure approved by the Committee in September.

The Committee recommends that, subject to approval of the Finance Committee, the increased cost of printing the Ontario Reports for 1974 be approved. The Committee also recommends that the series be published as a round bracket series whereby volumes will be numbered consecutively without regard to the year, similar to the Dominion Law Reports.

Error in Ontario Reports

The Committee recommends that subject to the approval of the Finance Committee, Canada Law Book Limited should print the dissenting judgment of Mr. Justice Fraser as part of a 30-page supplement to a future part of the Ontario Reports at an approximate cost of $1,000. The Secretary was asked to notify the Court of Appeal Office of the error.

Approved

It was moved by Mr. O'Brien, seconded by Mr. Chappell, that the Judgment of Mr. Justice Fraser be published in the most efficient and economical manner possible. This was *carried.*

THE REPORT AS AMENDED WAS ADOPTED

UNAUTHORIZED PRACTICE COMMITTEE—Mr. Strauss

Your Committee met on Thursday, the 8th day of November, 1973, the following members being present: Mr. Strauss, Chairman, and Messrs, Cass, Fennell, Trepanier, White and Zahoruk.

D. A. S. Holdings Limited and Fred Zaza are appealing their conviction to the County Court by way of a trial *de novo*. The result will be reported in due course.

Several other matters of a routine nature were discussed and the necessary instructions given to the Secretary.

THE REPORT WAS RECEIVED

LEGISLATION AND RULES COMMITTEE—Mr. Cory

Your Committee met on Tuesday, November 6th, 1973, at 2:00 p.m., the following members being present: Mr. Pattillo, Chairman, Mr. Cory, Vice-Chairman, and Messrs. Common and R. F. Wilson.

1. INTEREST ON OVERDUE ACCOUNTS

The Professional Conduct Committee recommended and Convocation adopted the recommendation that amendment to Section 35 of the Solicitors' Act be sought to permit "costs" to include "fees" and also to provide that the rate of interest instead of being 5% per annum be equivalent to prime bank interest rate as it exists from time to time. Section 35 of the Solicitors' Act now reads as follows:

> "35. A solicitor may charge interest at the rate of 5 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from demand from the client, and where the same are payable by an infant or out of a fund presently available the demand may be made on the parent or guardian or the trustee or other person liable."

It has been suggested that the section also be changed to permit the Taxing Officer to charge a solicitor with interest on any amount which the Taxing Officer finds that the solicitor has been overpaid. As the statute now stands the Taxing Officer cannot give the client interest against the solicitor.

Your Committee unanimously recommends that Convocation reconsider the principle.

THE REPORT WAS ADOPTED

SPECIAL COMMITTEE ON J. SHIRLEY DENISON BEQUEST—Mr. Sheard

Your Committee met on Thursday, the 8th day of November, 1973, at 11:00 a.m., the following members being present: Mr. Sheard, Chairman, and Messrs. Cass and Pepper.

Three applications for assistance were before the Committee. All three were granted and the Secretary instructed accordingly.

THE REPORT WAS ADOPTED

ANNUAL MEETING

Convocation concluded that the Society's Annual Meeting in 1974 would be held in Hamilton at the same time as the Spring Meeting of the Ontario Section of the Canadian Bar Association.

INTEREST ON TRUST ACCOUNTS

The Secretary reported to Convocation on the progress made in setting up procedures to implement the new legislation respecting interest on trust accounts.

. . . . .

It was moved by Mr. O'Brien, seconded by Mr. Cass, that when the statute is proclaimed, the Treasurer be authorized to appoint three trustees, one of which is to be the present Treasurer, and that the appointments be ratified at the next Convocation after they are made. This was *carried.*

CONVOCATION ADJOURNED AT 12:45 P.M.

The Treasurer and Benchers had as their guest at luncheon The Honourable John Bell Aylesworth, Q.C., who retired as a Judge of the Supreme Court of Ontario in 1972 after serving on the Bench for twenty-six years. Mr. Aylesworth resumed private practice in January and on 21st June celebrated the 50th anniversary of his Call to the Bar. Present at luncheon also were two distinguished Benchers Ex Officio who also marked their 50th anniversaries during the year. Mr. W. B. Common, Q.C., and Mr. Joseph Sedgwick, Q.C., were Called to the Bar on 25th May, 1923. The Treasurer congratulated all three gentlemen and presented them with Certificates of Life Membership in the Society.

CONVOCATION RESUMED AT 2:30 P.M.

PRESENT:

The Treasurer and Messrs. Beament, Borins, Bowlby, Common, Cory, Evans, Fennell, FitzGerald, Grange, Gray, H. E. Harris, Krever, O'Brien, Pallett, Seagram, Sopha, Wallace and White.

DISCIPLINE COMMITTEE—Mr. Thom

Re: IAN DUNCAN MORRISON, Chatham

Messrs. Cass, Carthy, W. E. Harris and Thom were not present, took no part in the discussion of this discipline matter and did not vote.

The reporter was sworn.

The solicitor attended with his counsel, Mr. Robert Carter. Mr. Clive Bynoe, Q.C., acted as counsel for the Society. Mr.

Carter made no submissions respecting the finding of misconduct. The solicitor, both counsel and the reporter retired.

Convocation accepted the Decision of the Discipline Committee which found Ian Duncan Morrison of the City of Chatham guilty of conduct unbecoming a barrister and solicitor in that he was convicted of having unlawfully by deceit, falsehood or other fraudulent means defrauded R. S. of valuable securities of a value of $7,500 more or less, contrary to Section 338 of the Criminal Code, and was sentenced to a term of six months' imprisonment.

Convocation, having considered the recommendation of the Discipline Committee as to penalty and having heard submissions thereon by counsel and having considered the circumstances, ordered that Ian Duncan Morrison be disbarred.

CONVOCATION THEN ROSE AT 3:20 P.M.

Read in Convocation and confirmed this 18th day of January, 1974.

SYDNEY L. ROBINS
Treasurer

MINUTES OF SPECIAL CONVOCATION

Monday, 17th December, 1973
10:00 a.m.

PRESENT:

The Treasurer (Mr. S. L. Robins, Q.C.) and Messrs. Beament, Borins, Bowlby, Cass, Chappell, Common, Cooper, Cory, Finlayson, FitzGerald, Grange, Gray, Griffiths, Krever, Lochead, Maloney, MacKinnon, O'Brien, Pattillo, Pepper, Seagram, Sheard, Strauss, Thom, Trepanier and Wallace.

ELECTION OF BENCHER

Upon the appointment of The Honourable Mr. John W. Morden to the Supreme Court of Ontario, a vacancy has occurred in Convocation which is to be filled pursuant to Section 22 (2) of The Law Society Act, 1970.

It was moved by Mr. MacKinnon, seconded by Mr. Beament, that Mr. Norman MacLeod Rogers, Q.C., of Toronto be elected a bencher to fill the vacancy in Convocation.

Carried

APPOINTMENTS TO STANDING COMMITTEES

It was moved by Mr. Lochead, seconded by Mr. Grange, that Mr. Norman MacLeod Rogers be appointed to the following Standing Committees: Legal Education; Discipline; Professional Conduct; and Public Relations.

Carried

ADMINISTRATION OF THE ONTARIO COURTS

Convocation considered the effect of the Government's plan for the management of the Courts by the Ministry of the Attorney General and had before it the Report of the Ontario Law Reform Commission on Administration of Ontario Courts, Parts 1 and 2, and also a statement made by the Attorney General to the Legislature on the occasion of the tabling of the Report of the Ontario Law Reform Commission.

Mr. Gray was not present, took no part in the discussion and did not vote.

It was moved by Mr. O'Brien, seconded by Mr. Pattillo, that the Treasurer be empowered to seek an appointment with the Attorney General to express the Society's willingness to appoint a Committee for consultation and to say that the Bar wishes to play a part in the formulation of rules to regulate the activities of the Court administrators.

Withdrawn

It was moved by Mr. Lochead, seconded by Mr. Griffiths, that Convocation expresses concern that the Attorney General's proposal for the administration of the Courts would not adequately protect the independence of those to be responsible for Court administration and supports the proposals made by the Ontario Law Reform Commission in this connection.

Carried

Mr. Gray entered Convocation.

FINANCE COMMITTEE—Mr. Gray

Your Committee met on Thursday, the 13th day of December, 1973 at 10:00 a.m., the following members being present: Messrs. Gray (Chairman), Cartwright, Fennell, H. E. Harris, Howland, Pattillo, Pepper, Robins, Sheard and Thom.

ANNUAL FINANCIAL STATEMENT, 1973-74

A draft Financial Statement for the year ending 31st August, 1973, as prepared by the auditors, Clarkson, Gordon & Company, was before the Committee for consideration.

It was moved by Mr. Pattillo and seconded by Mr. Thom that the Errors and Omissions Insurance Fund be segregated from the General Fund of the Society and shown separately on the Balance Sheet.

Carried

Your Committee considered and approved two further amendments.

It was moved by Mr. Pattillo and seconded by Mr. Thom, that as amended the Financial Statement be approved.

Carried

The Financial Statement as amended is before Convocation.

ERRORS AND OMISSIONS INSURANCE PLAN

A Report prepared by the Secretary respecting Errors and Omissions Insurance for 1974, 1975 and 1976 was before the Committee.

Your Committee recommends that the Secretary's Report be approved and that the levy for 1974, 1975 and 1976 be fixed at $135 for each year.

THE REPORT WAS ADOPTED

MOTION — ERRORS AND OMISSIONS INSURANCE
SECRETARY'S REPORT — LEVY 1974, 1975 and 1976

It was moved by Mr. Gray, seconded by Mr. Sheard, that the Secretary's Report respecting Errors and Omissions Insurance be approved and that the levy for 1974, 1975 and 1976 be fixed at $135 for each year.

Carried

CONVOCATION THEN ROSE AT 1:00 P.M.

Read in Convocation and confirmed this 18th day of January, 1974.

SYDNEY L. ROBINS
Treasurer

LSUC Great Library
1 1797 00043591 5